

**Locking of the Domain Name Subject to UDRP Proceedings WG Meeting  
TRANSCRIPTION  
Monday 16 April 2012 at 1300 UTC**

Note: The following is the output of transcribing from an audio recording of Locking of the Domain Name Subject to UDRP Proceedings WG Meeting on Monday 16<sup>th</sup> April 2012 at 1300 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-20120416-en.mp3>

On page: <http://gnso.icann.org/calendar/#apr>

**Attendees**

Michele Neylon, RrSG  
Jonathan D. Tenenbaum, RrSG  
Matt Schneller - IPC  
Victoria McEvedy, NCSG  
Hago DAFALLA, NCSG  
John Berryhill, RrSG  
Andrii Paziuk, NCSG  
Faisal Shah, individual  
Lisa Garano, IPC  
Frederick Felman, individual  
Luc Seufer, RrSG  
Celia Lerman, CBUC  
David Maher, RySG  
David Roache-Turner/ Brian Beckham, WIPO  
Volker Greimann, RrSG

**Apologies:**

Ken Stubbs, RySG  
Barbara Knight, RySG  
Gabriele Szlak, CBUC

**Staff Support:**

Marika Konings  
Nathalie Peregrine

Coordinator: Thank you. The call is now being recorded. Please go ahead.

Nathalie Peregrine: Thank you very much, (Sam). Good morning, good afternoon, good evening. This the Locking of a Domain Name Subject to UDRP Proceedings Working Group call held on the 16th of April, 2012.

On the call today we have Michele Neylon, Matt Schneller, Hago Dafalla, John Berryhill, (Angie Paduk) Faisal Shah, Lisa Garono, Frederick Feldman, Victoria McEvedy and (Luke Seltzer). On the AC room only we have Celia Lerman. And we have apologies from Barbara Knight, Gabriella Schittek and Ken Stubbs.

From staff we have Marika Konings and myself, Nathalie Peregrine. I would like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

Michele Neylon: Thanks. Since I - and myself and Konstantinos were chairing the drafting group Marika and I just - we can look after the first meeting and then after that we're going to - obviously going to have to go through the process of selecting a chair or possible chairs. But I'll - I'm happy to do - act as interim chair for the interim. God, that really came out badly. And I'm the one who's in the middle of the afternoon here.

The agenda for today - okay we've got our roll call which Nathalie has looked after. The statements of interest, generally speaking at the beginning of a meeting if anybody has an update to their statement of interest they should let us know at the start of the call. And so far we have statements of interest from pretty much everybody. I think there's only about one missing and that can be sorted out.

Now there are a few other matters on the agenda. Since some of you don't know each other we're going to go through just a brief introduction and you can all get to know each to her and so that we all play nice together.

Then we're going to talk a little bit about transparency and openness. I've already mentioned in passing the thing about the chair. We'll come back to that.

And then Marika is going to go through the charter, working group guidelines and the GNSO policy development process. And she's got some wonderful slides to help you all with that. But hopefully you'll have lots of questions and make it more interactive and interesting.

Does anybody have any questions or queries so far? Can everybody hear everybody else clearly? Is everybody in a happy place?

Okay moving on then. Let's - is everybody logged into the Adobe chat or are there people just on the line, Marika? Because I can't see.

Marika Konings: This is Marika. I think we have a couple of people that are still trying to join Adobe Connect. And we also have a few that are on Adobe Connect and not on the call yet but I think are dialing in.

Michele Neylon: Okay perfect. Well we'll work on the basis then everybody who's - we'll start with the people who are on Adobe Connect. And if you could just introduce yourself very briefly and just give the others - other members of the group some idea as to what you're doing. I believe (Celia) isn't on the call so we'll start with Faisal. Please introduce yourself.

Faisal Shah: Okay well this is Faisal Shah. I am the founder of a company called Mark Monitor. And I've been part of the ICANN process since probably 2000 when we became a registrar.

Michele Neylon: So could you explain to those people who don't know what it is that Mark Monitor does, Faisal?

Faisal Shah: Sure. So Mark Monitor is an online brand protection company. And we started the company tracking trademark infringement on the Internet. We represent the global - we represent Fortune 500, Fortune 100 companies doing now not only online brand protection in the form of tracking infringement, whatnot, on the Internet but also domain registration. We have anti-phishing solutions. So it's kind of a broad spectrum of products that we have now.

Michele Neylon: Okay thank you. And just in the context of all that what's your interest in this working group?

Faisal Shah: My interest? My interest is, you know, I provide an advisory role to Mark Monitor in connection with policies on the Internet so my interest is purely to see what's going on here and provide advice to Mark Monitor.

Michele Neylon: Okay perfect, thank you. And, Faisal, I'm going to ask everybody the same question; I'm not just picking on you though I do like picking on Mark Monitor employees. It's always good.

Faisal Shah: Yeah, I'll let Matt - I'll let Matt Serlin know. Kidding.

Michele Neylon: No he knows - he knows. I mean, I pick on Matt on a regular basis and Marika and others will attest. The next person on the list is another Mark Monitor employee. Fred Feldman, would you care to introduce yourself briefly?

Fredrick Feldman: I'll do my best. You know, it's seven o'clock here in the morning so I've already like commuted into the office and, you know, so it's - been going since about five o'clock this morning for me. So I'm Fred Feldman; I'm the Chief Marketing Officer of Mark Monitor. As such I run marketing and I also run business development.

And I've been participating in ICANN since I joined Mark Monitor in 2007. As Faisal explained the company, we're a brand protection company so I don't think I need to do that again. I think your other question, to Bachelor Number 2 here is what my interest is in the working group, is that right?

Michele Neylon: Yeah, it's just basically what I'm trying to - so that people could have some ideas to, you know, why - what everybody's - how can I put this? It's like I can tell you, like for example I'm a registrar so this policy impacts my business's day to day operations. That's my interest in it. Whereas, you know, as Faisal explained he wants to know where the policy is at. Your position might be slightly different, I don't know.

Fredrick Feldman: It is - it is slightly different. So we, you know, represent a lot of clients. And they have a lot of domain name registrations. And we are a registrar so as such like you we are affected by this policy. And we need to make sure that it's administrated in a fair and proper manner and also represents the, you know, the rights that our customers have as their affected by it.

And also as it affects their rights in general, their trademark rights and other rights as established by national law. So that's how UDRP affects us and our clients.

Michele Neylon: Okay. I see Hago Dafalla has his hand up. Go ahead, Hago.

Hago Dafalla: (Unintelligible) in my country (unintelligible). Also I have (unintelligible) Sudan who attended the ICANN meeting (unintelligible). So I did this to increase my chance to know (unintelligible) - to know our connectivity in Sudan how (unintelligible). Thank you.

Michele Neylon: Thank you. All right just going down the list on the Adobe chat. John Berryhill, you're next on my list. John?

John Berryhill: Good morning, Michele. I had to unmute my microphone. My name is John Berryhill. I'm an intellectual property attorney in Philadelphia. I've represented complainants and respondents in - around 200 UDRP proceedings since it began some of which have been resolved prior to a decision and many of which have gone to a decision.

I also advise registrars on compliance issues. I'm familiar with the practices of most of the major registrars and I'm familiar with the practices of all of the UDRP providers and some of the mechanics of the UDRP. A lot of which is sort of ad hoc unpublished information that can be confusing for everyone to navigate.

My most relevant experience is some two years ago there had been a draft registrar advisory from ICANN on this subject which was incomplete and was subjected to an informal consultation among registrars, UDRP providers and others.

This led to a session at the Sydney meeting - which I'll send a link on the mailing list. There was a discussion at Sydney that would provide a - I think a helpful review of the tentative conclusions that we had reached in that informal process.

My interest is in obtaining an output that is simple, understandable to those who operate registrars, is compatible with existing UDRP provider practices and still maintains the flexibility for parties to seek their own resolution which happens with relative frequency and is somewhat unknown to people who haven't been in the process.

Michele Neylon: All right thanks, John. The next on my list then I have Lisa Garono.

Lisa Garono: Good morning. So I'm Lisa Garono. I am an intellectual property attorney at a law firm, Haynes and Boone. I've done some UDRP actions mostly on behalf

of brand owners. But mostly what I do is counsel at a theoretical level, for instance in structuring transactional deals.

And if you have to - if you have a dispute over the domain name these are your options and this is how it's going to work. So for me having a process that is clear and defined and predictable would be my interest.

And I did work on the charter drafting committee so I have a (proprietary) interest in seeing that this ends up being something very useful.

Michele Neylon: All right, thank you. The next one I have here is a person appearing as (Lock 2). I have no idea who that is so if you could introduce yourself including your name it would be helpful. You might need to unmute yourself.

Marika Konings: Michele, this is Marika. I think that might be Hago logging in twice so I propose we just...

((Crosstalk))

Michele Neylon: Oh okay, no problem. Then we'll move on then. Luke, introduce yourself please.

(Luke Sescer): Hello everyone. So I'm (Luke Sescer). I'm working for (Originas) as a legal counsel since 2007. (Originas) is a European registrar. And my interest here is as I believe every registrar to have a secured and streamlined process for the locking of a domain name during a UDRP.

Michele Neylon: All right thank you, (Luke). Next we have Matt Schneller.

Matt Schneller: Hey, I am a trademark and IP attorney with Bracewell & Giuliani in Seattle so also dealing with the awesome seven o'clock a.m. call. Have, sort of like John, done a bunch of UDRPs on both the complainant and defendant side. And sort of run into the same issues where registrar practices vary a little bit.

I think most registrars are doing things in roughly the same way but occasionally you get the big outlier. And it can be hard to explain to clients and it makes the whole process a little bit less predictable. So I suppose just to try to come up with some guidelines that can help clarify the process both for parties involved in UDRPs and for the registrars as well.

Michele Neylon: Thank you. Next Victoria McEvedy.

Victoria McEvedy: Yes, hi. So I'm Victoria McEvedy. I have my own practice based in London doing intellectual property law and defamation and other issues to do with content online. I was a nominate panelist for about eight years dealing with dot UK disputes. And I'm also a (unintelligible) arbitration court panelist doing UDRP in dot EU disputes. And I act for the claimants (unintelligible) in UDRP and other domain name matters.

I'm currently an NCUC member and formerly an IPC member. And I'm just - I'm interested in this as a practical issue relevant to domain name disputes and ensuring that the - I suppose the balance of interests currently preserved by the UDRP isn't disturbed by, you know, this new sort of - this new policy. So that's my interest. Thank you.

Michele Neylon: All right thank you. Next up Volker.

Volker Greimann: Hi, Volker Greimann from Key Systems. We're a German registrar. And I handle UDRP cases for the registrar. And for us it's very important that every registrar has a similar playing field and that the process is as streamlined and as uniform as possible.

Michele Neylon: Okay thank you, Volker. That was short and to the point. I believe that (Yatanda) - I'm not sure how that's pronounced - isn't on the bridge yet so when they've joined we can get to them.

So starting at the top - is that - there are two of you, Brian Beckham and David Roache-Turner or I'm not too sure how that works.

Brian Beckham: Yeah, that's right. Sorry, we're colleagues here; we're just sharing the same office (unintelligible) so that's why the names are appearing together on the Adobe Connect because we're sharing the same screen.

Michele Neylon: Okay.

Brian Beckham: So I can go. My name is Brian Beckham. I work here at the WIPO Arbitration and Mediation Center primarily involved in policy work within ICANN; in particular rights protection mechanisms including the UDRP as well as new gTLD mechanisms to the extent that those may or may not interoperate with the UDRP.

And that work within WIPO is part of our role within ICANN as an observer to the Governmental Advisory Committee.

David Roache-Turner: Thanks, also, Michele. My name is David Roache-Turner and I also work here at WIPO. I had our domain name dispute resolution operations. We're a - an ICANN accredited UDRP provider. We've done about 20,000-odd UDRP disputes over the years. And we see anywhere between 6 and 20 UDRP disputes filed per day. So my interest in that respect is principally in the operational side of the question.

From our perspective we see an arrangement under the current UDRP which, for the most part, works pretty well. We work with registrars and parties every day on getting domain names locked for the purposes of enabling the UDRP proceeding to move forward.

We're interested here in participating in this discussion, building on the previous discussions which John and some others have alluded to which we're also involved in including in Sydney. And I think we're interested in

seeing a workable path there and efficient locking practice codified for all UDRP stakeholders and participants including the parties and the registrars but also most particularly from our perspective other providers as well.

Michele Neylon: All right thank you. Celia Lerman.

Celia Lerman: Yeah, hi - hi there. I'm Celia Lerman. I'm a lawyer by background (unintelligible) lawyer from Argentina. I have participated in many UDRP disputes for one of the main companies of Argentina. And now we're part of the BC as part of the Latin American Institute of Electronic Commerce.

We're leading some policies - both in the region and locally in Argentina in ODR, online dispute resolution, and we're interested in participating in this particular UDRP policy specifically with regards to that definition.

Michele Neylon: Okay thank you. Mr. Maher, good afternoon.

David Maher: Hi, it's David Maher. I'm the Chair of the Registry Stakeholder Group of ICANN. My background in this - I'm a registered patent attorney. In 1996 I was one of the three people who drafted the original idea of a contract-based (bad) faith approach to domain names which later became the thesis of the UDRP. So I've been involved in this since 1996.

Michele Neylon: Okay thank you. And the last person I think who's just joined the call is Jonathan Tennenbaum. So, Jonathan, you can, you know, be the last person to introduce himself this call.

Jonathan Tennenbaum: Okay. Yeah, hi, this is Jonathan Tennenbaum. I'm Corporate Counsel for Web.com. We acquired register.com about a year and a half ago now. And also just recently acquired Network Solutions. So as we're becoming much, much more involved obviously on the registrar side of things.

And as for me personally I deal with a lot of the customer-facing issues as well as our domain name and registrar policy issues. So the UDRP, the processes, the individual issues, things like that all end up falling onto my plate.

So as we become more and more involved in - as I personally become more and more involved, I mean, this is right kind of my wheelhouse now. And so that's pretty much my interest here. And, you know, looking forward to working with everybody. And, yeah, so that's it.

Michele Neylon: Thank you. Okay the next point on the agenda is principles of transparency and openness which sounds terribly heavy and complicated. Now I'll just try to go through this very, very quickly. And if I miss anything Marika and Nathalie can beat me up later or just interrupt me.

Some of you I know have been involved in several working groups so this is not news to you. But for some people this is the first ICANN working group that you've been involved in. Oh, damn, I didn't introduce myself; somebody just pointed out.

Beg your pardon. Okay. Michele Neylon. I'm - I run Blacknight which is a domain registrar and hosting company in Ireland. And in common with most of the other registrars who are in this working group my interest is primarily because UDRP affects our operations.

And the last thing I want to do is have to deal with complaints from ICANN about (unintelligible) being in breach of our contract down to a misunderstanding of how a policy is worded. So I would like to see greater clarity personally. And at the moment I'm your interim chair until we can sort out replacing me with a better model.

Okay so moving on - the principles of transparency and openness. Just so you're aware all the - all of these conference calls...

((Crosstalk))

Michele Neylon: ...are recorded. Hello? Okay all of these conference calls are recorded. The first couple of minutes when you dial in probably isn't recorded. There's usually an announcement when we will ask ICANN staff to get - to ask the operator to start recording the call. And from that moment forward it is recorded.

Generally there's also a tendency to keep a record of the chat from the Adobe Connect. And in some cases you will find that entire kind of slides and sessions and all that stuff can be recorded.

The mailing list for the working group is also public as in anybody who wants to can read the archives though you have to be a member of the working group to post to the list.

Am I missing anything else obvious, Marika?

Marika Konings: This is Marika. No, I don't think so.

Michele Neylon: So the thing to bear in mind is if you want to - if you want to make defamatory comments about me personally please send me an email directly; don't post it to the public mailing list. I think that's basically what it sums - what it boils down to.

I mean, jokes aside if you don't want - if you don't want this being in the public - in the public realm then don't post it to the mailing list. The entire concept behind this is it's part of ICANN, it's bottom-up, transparent. So, you know, you need to be aware of that and bear that in mind.

Jonathan, go ahead.

Jonathan Tennenbaum: Hi, this is Jonathan. Michele, you are not going to remain on as chair for the workgroup?

Michele Neylon: What I might do if - but I'm not - I'm not putting myself forward as the chair exactly if that makes sense.

Jonathan Tennenbaum: Okay.

Michele Neylon: I'll put it to you this way. Well - we can discuss that further. It's just - I'm not saying...

Jonathan Tennenbaum: Right, it'll be open to the - it'll be open to the group to select the new chair if the group...

((Crosstalk))

Michele Neylon: Yeah, exactly. I mean, I wouldn't want people to feel that just because I chaired the drafting team and that I'm currently chairing this meeting that I would be the chair.

Jonathan Tennenbaum: Right, right, no I understand.

Michele Neylon: And also I've emailed the list about this I think on Thursday of last week or something - or maybe it was Wednesday, I can't remember. Some day last week.

Jonathan Tennenbaum: Okay.

Michele Neylon: But, I mean, you know, for example, Jonathan, there's no reason why you couldn't volunteer to be the chair.

((Crosstalk))

Jonathan Tennenbaum: Well, I mean, I'll - when the time comes I'll make the motion for you to be chair. I think you've done a great job so far so, you know, I don't know - when we get there that's my intention so.

Michele Neylon: Well thank you. Okay is there anything else on the transparency and openness thing? Does anybody have anything else to add? Marika, since you're the expert.

Marika Konings: Nope, nothing further to add.

Michele Neylon: Okay perfect. All right then. Any questions anybody? Now please bear in mind I am Irish which means I can talk the hind legs off a donkey. And if you don't interrupt me I'll just keep talking so please, if you have a question, raise your hand on the Adobe chat.

For those of you who are new to using the Adobe chat you can see there's a bunch of little functions you can get from the little graphic of the man with the raised hand. So you've got the raise hand, agree, disagree and, you know, you can do all sorts of things like pretending to applaud and laugh and everything else.

I think there's also a - there is also a introductory video or document or something on how to use the Adobe Connect somewhere. I'm not sure if that's on the ICANN side or on the Adobe side. Marika, can you recall?

Marika Konings: Yes this is Marika. I'll actually post that link now in the chat window so people can see that.

Michele Neylon: Okay. I mean, it's pretty straightforward. But just bear in mind that things like, say for example, the private chat isn't as private as some people might think. I mean, if you want to say - you know, just - how can I put this? Don't just - if you want to do something privately there's lots of other ways of doing it; I wouldn't trust the Adobe chat to be the most private way of exchanging

anything confidential like bank account routing details or passwords or anything like that.

Okay then, Marika, I think we should come back to the - to Item Number 4 since I think we need to really cover Item Number 5 and 6. I think they're slightly more pressing than anything else.

So, Marika is going to go through the working group charter guidelines and how the GNSO policy development process works. Now please bear in mind, you know, if there's something that is not clear ask a question. You know, because Marika is wonderful at giving these presentations but if people don't ask for questions she can't answer them. Go ahead, Marika.

Marika Konings: Yeah, so this is Marika. I've put all the information together in a slide deck that will also get posted on the working group's wiki that's accessible to everyone. So, you know, for those of you that I might go too fast or you don't have time to look at all the details in the presentation, you know, you'll have time after the meeting to look at that and also provide some links to additional documents where you can find further details on this.

And, you know, this is just to provide all of you with a, you know, a slight overview - an overview of where, you know, the working group fits into the overall PDP process and looking at it in a bit more detail what is expected from this working group.

So looking first at the GNSO policy development process, you know, the only thing to remember from this slide is actually that the GNSO policy development process was reviewed, you know, over the last couple of years. And actually new PDP came into effect in December of last year. So this new model now applies to all new and ongoing policy development processes.

Although for those of you that have been involved in, you know, previous PDPs might, you know, recognize a lot of elements that have remained the

same. But there are some different and some new features that you might find.

So I won't spend too much time on these slides. Instead I think this is more as a background information for those of you that are interested to really understand how the PDP as an overall model works. You know, this is just to show you that, you know, the working group is just one of the stages of the overall PDP. You know, as you see it fits somewhere in the middle and that's where we currently are.

You know, it was preceded by, you know, the issue scoping, you know, the request for the issue report. That was then done and following that the adoption of the charter that some of you were involved in this part of the drafting team.

But as I said, you know, the real focus is on the working group. This is really the phase of the PDP in which the issue is explored in depth and, you know, where the recommendations are developed by the working group.

I won't spend too much time on this now because I have another slide that basically talks about, you know, what are the required elements, you know, according to, you know, the PDP that is as formulated in the ICANN bylaws and as well the PDP manual that, you know, both formed the GNSO PDP.

But this just gives you an idea that there are several steps that are required as part of that process. But at the same time there's a lot of flexibility for a working group if they feel that additional work or additional effort needs to be undertaken in order to meet their mission and the requirements as set out in their charter.

And this is just a note, you know, once the working group is done that doesn't mean that the process is over; it then moves into, you know, the next phases of the process which is, you know, the consideration of the GNSO Council of,

you know, the final report and recommendations which then, if are ones that adopted and also need to be confirmed by the ICANN Board. And after that it would go into implementation and come into effect.

So just, you know, going back to what I said before, you know, the PDP as described in the ICANN bylaws as well as the PDP manual there are certain elements that are required steps of the process. So one of those is requesting input from GNSO constituencies and stakeholder groups; that's called statements.

That can as well, the working group has a lot of flexibility there on how to request that input, although working groups have done that by, you know providing stakeholder groups and constituencies with a template with certain questions they would like to see answered and some have just you know provided them with a variety, you know provided us with input kind of question.

So there the working group might want to think a bit more on how to get you know valuable information from constituencies and stakeholder groups on this particular issue.

Secondly this is a new feature of the new PDP is to request at an early stage the views of other ICANN advisory committees and supporting organizations. This is really intended to make sure that if there are any concerns or any views or any information that others outside the GNSO have on a particular issue that those are known to the working group at an early stage.

So we don't end up in a situation where, you know recommendations are about to be considered by the board and someone and somebody stands up and says oh we weren't aware and we had no idea and you know if we would've been asked we would have told you X, Y and Z.

So that says well the idea to reach out to other parts of the ICANN organization, and again there the working group has a lot of flexibility on how it wants to do that, it you know can be in the form of sending an e-mail and asking for input, it could also take the form of you know joint sessions or outreach.

We've had working groups for example meeting with the CCNSO recently to, you know, exchange views and get input. So again, you know this is the basic principle but the working group has flexibility on how to organize that.

Michele Neylon: Just one sec, just one second (unintelligible).

Marika Konings: And another requirement in there is development of an initial report in combination with a public comment forum. The PDP manual also prescribes you know what is, needs to be part of that initial report and you know I propose that we don't go into detail here now but that's something when we, you know get closer to actually developing that initial report you know we can share and it's also an information that is included here where you can see what the different elements that are need to be part of that.

A review of the comments that are then submitted and really making sure that each of those are addressed and you know publicly shared so people can see that their input has been acknowledged and considered by the working group, and then resulting into a final report which is then submitted to the GNSO council.

Michele you have your hand up so, to take questions?

Michele Neylon: Yeah. I'm sorry Marika just one thing as well, which I think is worth noting that sometimes depending on the nature of the working group there's also things like okay the chair of the working group would give updates possibly to GNSO at various points throughout the process, and depending on how

things pan out you can also have face-to-face meetings with the community to get more input.

I mean they're not even in some instances some working groups have gone specifically to certain stakeholder groups to give them a briefing on a working group and to solicit input.

So for example IRTPC, which is to do with transfers, went to the CCNSO at the last meeting to get some input from CCNSO members. So go ahead Marika.

Marika Konings: Yeah. So I said, you know these are the basic requirements but you know as I said before there's a lot of flexibility if a working group indeed feels that it needs to produce additional documents that it wants to get input on, or you know, it wants to undertake additional activities like you know organizing workshops or Webinars.

There's a lot of flexibility to do so and it's, you know it's really up to the working group on, you know how to you know develop its work plan and set out the different steps I is, are needed, you know to meet the different requirements of the charter as well as the PDP process.

(Unintelligible) here you have some links to you know, the documents where you find additional information, first of all the Annex A of the ICANN bylaws where you have all the required elements, the PDP manual that describes in more detail or provides more guidance on how to you know, conduct the different parts of the PDP.

And I also produced a PDP overview that basically really outlines for each of the different phases the different requirements, they're bringing basically the Annex A and the PDP manual together into one document, so that's something you might you know, find a useful reference as well.

So then moving on to the working group charter, some of you have already been involved, were involved in the development of this charter, which was then developed by the GNSO council, so you know feel free to jump in as I, if I misrepresent anything here.

The charter is also posted on the Wiki so I would definitely recommend that you, you know review that document in full as well as I've basically highlighted here that the main elements of the charter.

So basically this working group is really specifically looking at the issue of locking off a domain name. We're finding a little bit of context there because some of you might have wondered why wasn't there an issue report that only dealt with this issue. So basically the history is there that this was an issue that was raised in the context of some of the inter registrar transfer policy discussions.

Then following that the issue was also part of the issue report on the UDRP. There was an issue report requested on the review of a UDRP and one of the items that came up in that report was the specific, you know, locking of a domain name. However there are many other issues covered in that report as well so you know, received relatively limited attention.

Following that the council decided to only continue a PDP on this specific issue. So that explains a little bit why there's, you know relatively little information available on the issue itself as it was only, you know, part of a previous issue report.

And that also explains you know the next bullet point here on the slide that as part of the charter or the working group is required as a first step to request public input on this issue to really make sure that there's broad input on the issues that are at stake and have a clear understanding of you know, what we're looking at and what we're dealing with.

And again, you know, the working group is required to do this but it's up to the working group to decide how to do this. I mean you might want to consider opening a public comment forum, you might want to consider inviting experts from, you know the different parties that are involved in the process to, you know to provide testimony.

You might want to consider, you know organizing a workshop at the ICANN meeting in (Prague) to get people together, or you know a combination of those. So that's really up to the working group to decided what you think is the best way to get that input and really make sure that you have all the information on the table to be able to, you know build your recommendations upon.

So basically then, you know the charter spells out as well that you know based on the information that you gather, you know the deliberations you have, you know any other information that you've, you've acquired you know the working group is expected to make recommendations to the GNSO council.

The working group charter also sets out a number of issues that you might want to consider as part of your deliberations. These are suggestions that were developed as part of the drafting team discussions and I think we'll go into further detail once we actually get down to the work load, so I don't propose reading these out but I just suggest that you spend some time, you know looking at these and thinking about, you know whether that indeed will be useful for the working group to consider as part of your deliberations.

So then once the working group, you know, has done all its other deliberations and has come to recommendations those recommendations might also take several different forms, you know they might result into consensus policies or what we call consensus policies, which would be enforceable or binding on contracted parties but they could also take the form

of best practices or have, you know be in the shape of implementation guidelines.

So something that the charter does really emphasize and I think we had quite a bit of discussion on that as well in the drafting team is that you know if there are any recommendations that come out of this working group are considered consensus recommendation we should not amend, change or otherwise alter the UDRP or a substantive part as any recommendations developed by the working group are not meant to introduce a new UDRP remedy.

So I think it's really clear that this PDP is really on the specific issue only and it shouldn't, you know, go beyond that and start you know going into other parts of the UDRP, that's part of a separate process and that's not at stake at this point in time.

So then other information that's contained in the charter that is also part of the working group guidelines that I'll come to next is for example the decision-making methodology, and I think there's it's important to emphasize that, as many of you know, might now working groups work on the basis of consensus, however this consensus can take different forms.

Those are basically explained in further detail in the charter so once the working group comes up with recommendations it's up to the chair through a set process to make a designation on the level of support each recommendation has and the different levels it can have it goes from full consensus to consensus to strong support by significant opposition, divergence and minority views can also be included as recommendations.

So again, the working group guidance explained in the charter itself explained in further detail, you know how that level needs to be assessed and what a definition is of those different levels, but I think it's just important to know that you know the end outcome doesn't necessarily needs to be unanimous

consensus on everything, there might be divergence or different level of consensus reached on certain recommendations.

The charter also describes, you know, if there are any problems or issues what the processes are to escalating those issues and ways to resolve those. It talks about the staffing and organizations of the working group and I said here you'll find the link to the charter, which is posted on the Wiki.

Then very briefly the GNSO working group guidelines, those are basically a document that were developed to really help working groups you know conduct their tasks. So they cover several elements that you know have already come back as well in the charter now so it's really to help you to, you know, optimize productivity and effectiveness and you know it talks about what needs to be done at the first meeting, so many of the elements here in the agenda are basically part of that, you know, how it's described how the first meeting should be run.

It talks about the working group member roles and responsibilities so you know for those of you that are interested, are possibly interested in becoming a chair or co-chair or vice-chair it's explained in more detail there what the expectation is of someone taking on that role.

It also talks about the role of the council liaison, as you may be aware Joy Liddicoat she's the Council Liaison to this group so she serves in the liaison function to the council, she might provide regular updates or if there are questions from the council you know she's in the position to address those, but she also has the position for example if there are any issues or problems you know people can turn to her and talk to her on how to solve those.

The working group guidelines also talk about you know how a working group might want to sub-teams or have briefings of, and subject matter experts involved. It talks about the importance of participation and also ensuring representativeness.

And I think this is well, you know while the chair has really making sure at the start of a call that you know there's sufficient participants you know that the working group as well composed of you know the different groups that form the GNSO community and the ICANN community really making sure that we have representation broadly.

It talks about you know behavior and norms. As mentioned before it outlines in more detail as well the methodology for making decisions, talks about the appeal process if you don't agree with the designation that a chair might assign to a certain recommendation a way for appealing that.

It talks about what are the communication and collaboration tools that are available for working groups and it also talks about, you know the product and outputs that are produced by a working group.

So then again here you find links to the working group guidelines to a summary and as well the working group guidelines in full and all these references are also included on the Wiki under I think the background information section.

So I think that's in a snapshot what I wanted to cover. As Michele said, you know I know for many of you this might be really new and you know, I'm happy to take questions now or you know following this call once you have a chance to digest it and maybe read some of the materials if you have any further questions or would like me to explain, you know some parts in more detail feel free to reach out to me.

I'm happy to provide you with you know more information as I can and as I said we'll post this presentation on the Wiki and we'll also circulate it on the mailing list so everyone has a chance to review this and look at the information there in a more calm way.

Michele Neylon: Thank you Marika. Does anybody have any questions? Comments? I'm going to pick on people I know.

Woman: (Unintelligible) question.

Michele Neylon: Who's this?

(Yitten Day Johnson): This is (Yitten Day Johnson).

Michele Neylon: Okay please just for the transcript just please say who you are before you ask when you speak. Go ahead?

(Yitten Day Johnson): Okay. My (Yitten Day Johnson). Just a simple question, with regard to the gathering of information on the particular issue is it regional specific or I mean what's the scope of the gathering of information?

Michele Neylon: Marika?

Marika Konings: Yeah this is Marika. I think you know as the scope of this policy development process relates to gTLDs the scope is basically, you know there's no region attached to it like you know it might be if you're looking at the CCTLD. So I think the scope is broad but looking specifically at the GTLD context as this is a GNSO working group.

And I did forget to mention that if you look under the background information section on the Wiki, and I think I also included it in the introductory e-mail, as part of the drafting team discussions I did make an effort of trying to go through the different documents like the IRTP report and the UDRP issue report to try to draw from there, you know the specific mentions to these issues.

So there is some information that is contained in that background document but it's, you know there's relatively little but that gives you a little idea of you

know what has been discussed in the past and I saw that (John) has now circulated it on the mailing list as well a link to a discussion that we've had in Sydney on the specific topic.

So I saw that for the moment that there's only a recording available but I'll go back and see if by any chance there is also a transcript of that session as it would probably be very helpful to try to digest from that session already some of the information that, you know will further feed into this working group.

(Yitten Day Johnson): Thank you.

Michele Neylon: Any other questions from anybody at this time? And Marika you will be posting that to the list and putting it on the Wiki as well I believe, the presentation I mean?

Marika Konings: Yes I will.

Michele Neylon: Okay. So anybody who was having difficulty following the presentation or also wants to read over it more calmly it will be available both on the mailing list and also on the Wiki.

Okay then, next item on the agenda, well there's a couple of items on the agenda, the development of a work plan, I mean basically in order for this work group to move forward and function we obviously need to have some kind of targets. Now generally speaking we tend to work on the basis of you know having deliverables in time for a public meeting, just because that's kind of more convenient, but also as well if for anything to be decided upon by the GNSO council obviously you know you'd have to look at when they actually meet.

So now today is Monday the 16th of April, the next meeting, public meeting is June in Prague and then after that is Toronto. So the kind of thing that people might want to think about, and it's not something we need to decide on today

but just something to think about, is you know what, where would we like to be come the meeting in Prague, where would we like to be come the meeting in Toronto. This is something we can look into in further detail at the next meeting.

The other item, which is quite important as well of course, is the confirmation of a next meeting and next steps. Now I believe that several of you are based on U.S. Eastern Time and other parts of U.S. time zones. There's several people dialing in from Europe and I think there's people dialing in from other parts of the globe.

The reality is that finding an ideal time that makes everybody happy probably is going to be impossible, however there is nothing; there is no issue with us sending out another doodle for people to vote on which time is generally convenient for people most weeks.

So for example it's the question, what we mean by that is the question being asked is is a particular time generally a good thing for you. I mean you might have issues with this some weeks but I mean we all do, people travel, people get sick, people have other appointments, so we can do another doodle for that so that, because if this time is not suitable for people we can look at moving it.

Any other question, any questions from anybody at this juncture? No. Okay.

Now moving back to Item Number 4. We need to decide on a chair for this working group and so if somebody apart from myself would be interested in volunteering to act as chair or co-chair you know please put yourself forward, you can either do so now or via the mailing list.

And deathly silence follows. Okay. Is this meeting scheduled for 60 minutes or 90, Marika because I can't remember?

Marika Konings: 60.

Michele Neylon: Okay. Fine. Thanks. So we're, we've only got about another seven minutes left so I don't want to launch into anything too deep or confusing.

Right. Okay so Marika has just confirmed that she's put up on the Adobe Connect the link to the presentation, which is available on the Wiki, you can download it from there and it's also been posted to the mailing list.

Marika go ahead.

Marika Konings: Yeah. This is Marika. Just maybe on Item 6, the development of a work plan is one of the required elements as well, you know of what a working group is expected to do as outlined in the GNSO working group guidelines and you know this working group, this work plan is then usually submitted to the GNSO council just, you know for its information.

I think it's just important to highlight that it's normally a flexible document and you know a working group can go back at different intervals to look at where it stands and you know modify and adjust as needed.

You know something the working group might want to consider is just having a you know a small group of people that might want to you know hash out a first draft looking at you know, the different required elements, you know looking as Michele had said before in some of the you know milestones if we want to build it around ICANN meetings and try to have maybe a you know a rough template that maybe can be looked at at a next meeting.

Michele Neylon: Okay. Thank you Marika. So any other questions or queries? Is everybody happy or equally unhappy? Marika would you be able to send or organize another doodle just so the people can confirm about the meeting time that would be helpful, so how many people are missing from today? I think we're missing five or six people aren't we?

Marika Konings: Yes. This is Marika. I think we had the apologies, but again I don't know if those people just couldn't make it, you know, just for today or this is in general a bad time for them, so you know we can send around the same, or you know that same doodle poll we did before.

On that basis I think this time in the previous doodle poll they came out as a preferred time for most, although I think it was quite equal between Mondays and Thursdays, so you know if there's a strong preference either way, you know people might want to indicate that in their comments when they complete the poll.

But just to clarify do you want to go ahead and you know we try to get out a poll later today so we can have a next meeting next week?

Michele Neylon: Okay. What I was going to suggest Marika is that we tentatively schedule the next call for this, for the same time next week but in the interim that we do a doodle so we can confirm with people that the time is suitable and then if we get the replies back in by let's say close of business UTC on Friday that if we need to, well let's just (unintelligible) how about the same as (unintelligible) thinking about this I'm talking to you.

I'm just concerned, I'm concerned that the time might be the day and the time might not be suitable for everybody all of the time, which is why I prefer for us to do a doodle, but I'm seeing on the Adobe Chat that (Fred), (Fred) doesn't like Mondays, he thinks Thursdays is better.

Okay let's just do a quick straw poll. Those of you who think that Thursday is better than Monday could you please raise your hand or do that tick think on the Adobe Chat? (Volker) okay. See I'm trying to do a counter and I count six, six. (Fred) you were saying this, please raise your hand, oh that's better, seven, okay. All right. You can clear your statuses.

So every, okay by, okay by this rough totally unscientific straw poll Thursday seems to be a more popular option.

Marika Konings: So this is Marika. So we can maybe just do a doodle poll between Monday at this time and Thursday at this time and you know have people express a preference, or you know, if both are equally they can indicate that as well? Would that work instead of doing a poll?

Michele Neylon: That works for me. Okay then so right then, okay then anybody have any last, yes we are just to confirm to I don't know how to call you, shall I call you the boys from (Wipo) or are you going to be offended by that? Brian and David?

Man: Yes.

Michele Neylon: All right? And if I call you the (Wipo) boys are you going to be terribly offended by me, that's all I want to know?

Man: Not at all (unintelligible).

Michele Neylon: Okay that's fine.

Man: All right. That's fine. I don't know, I you know I have a thing with lawyers; they either love me or hate me. We're deferring Item Number 4 until next week, yes, because I just, as I was trying to explain to somebody else earlier today I, everybody should have an equal opportunity to chair a working group.

You don't need to have oodles of experience to do it or anything like that and I'm happy to do it but I would prefer that people didn't feel that I was the only person suitable to do it and therefore would like to leave it kind of open so if anybody wants to put their name in the hat then they may do so. So we'll come back to that at the next meeting.

Okay. It's now the top of the hour or the few seconds to go so I look forward to speaking to you all next week, probably on Thursday by the looks of things. Thanks.

Michele Neylon: Thank you.

Man: All right. Take care everybody.

Michele Neylon: Thanks all.

Woman: Thanks.

Woman: Thanks.

Woman: Thanks.

Woman: Thank you sir. You're now (unintelligible) calling.

Michele Neylon: Thank you.

END