

**Locking of the Domain Name Subject to UDRP Proceedings Drafting Team
Meeting
TRANSCRIPTION
Tuesday 03 May 2012 at 1400 UTC**

Note: The following is the output of transcribing from an audio recording of Locking of the Domain Name Subject to UDRP Proceedings Drafting Team Meeting on Tuesday 03 May 2012 at 1400 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-20120503-en.mp3>
On page: <http://gnso.icann.org/calendar/#may>

Attendees

Michele Neylon, RrSG
Matt Schneller - IPC
Victoria McEvedy, NCSG
Hago DAFALLA, NCSG
John Berryhill, RrSG
Andrii Paziuk, NCSG
Luc Seufer, RrSG
Laurie Anderson, RrSG
Randy Ferguson, IPC
Juan Manuel Rojas - At-Large
Sheri Falco, RySG
Alan Greenberg, ALAC

Apologies:

Faisal Shah, individual
David Roache-Turner/ Brian Beckham, WIPO
Volker Greimann, RrSG

Staff Support:

Marika Konings
Margie Milam
Gisella Gruber

Coordinator: We're now recording.

Gisella Gruber: Thank you. Good morning, good afternoon, good evening to everyone. On today's Locking of a Domain Name Subject to UDRP Proceedings Workgroup meeting on Thursday the 3rd of May we have Andrii Paziuk, Michele Neylon, Matt Schneller, Alan Greenberg, John Berryhill, Laurie Anderson, Sheri Falco, Randy Ferguson.

From staff we have Margie Milam, Marika Konings and myself, Gisella Gruber. Apologies noted today from Faisal Shah, Volker Greimann, David Roach-Turner and Brian Beckham. I hope I haven't left anyone off the list.

And if I could also please remind everyone to state their names when speaking for transcript purposes. Andrii has just dropped off the call; we'll be dialing back to him now. Thank you. Over to you, Michele.

Michele Neylon: Good afternoon, good morning, good evening, all that. Okay then we've done our roll call. The general question I have to ask of course is does anybody have an update to their statement of interest? Going once, going twice. Nope, okay, moving on.

Just before we start this recording there's a few new people have joined the group. Some of you may not have statements of interest already set up in the wiki. The lovely ladies from the GNSO Secretariat have sent out passwords or are in the process of sending out passwords so that you can create or update them on the wiki. If you have any issues with this please let them know.

Now next item on the agenda, something we've been avoiding for the last few weeks, is the election of working group leaders. So who would like to be a chair of this working group? Are there any volunteers? Oh come on, the silence is killing me.

Alan. Alan - Alan Greenberg, are you interested in...

Alan Greenberg: I'm a newbie who doesn't know anything about this and joined the group to learn something. So I think a chair at this point is probably inappropriate.

Michele Neylon: So well what I was - at the moment I've been serving as interim chair since I was one of the co chairs of the drafting team - well...

Alan Greenberg: Based on my experience that's the kiss of death you're probably the chair.

Michele Neylon: Thanks, Alan.

Alan Greenberg: Yeah, I ran a whole PDP only being acting chair so...

Michele Neylon: Oh I think I was in that one.

Alan Greenberg: You were.

Michele Neylon: Okay then. Ideally - well okay - how do I handle this? At present I'm in the interim chair. If you wish to confirm me as chair I think there's a process that has to be followed. Ideally, however, it would make sense if there was a second chair - a co chair or whatever because at certain times I will be unable to make these conference calls. I think a second person who can look after these things would be helpful. Plus also it helps to bring a certain level of sanity. I'm Irish and possibly insane.

Is anybody going to step forward or should I pick on somebody?

Alan Greenberg: Michele, it's Alan. I'm willing to work with you if you'd like. I'd prefer to be vice chair because it's going to take me a while to get up to speed.

Michele Neylon: Okay that would be fantastic. Thank you, Alan. Does anybody else have any - anybody else wish to volunteer at this time? Marika, what is the exact process here because I'm - just remind me bearing in mind that it's only 10 o'clock in the morning for me so I'm completely confused.

Marika Konings: This is Marika. I think the appropriate next step would be just to circulate on the mailing list that those, you know, assuming that there are no objections - I haven't seen anyone raising any hands - that, you know, the proposal from the working group is to have you as the Chair and Alan as the Vice Chair. Give people, you know, maybe a week to, you know, either support or object or, you know, say anything to that on the mailing list.

And if there is a, you know, support from the working group that should be sent to the Council for confirmation basically works that way. I think - the Council is informed and if there's no objection to that, you know, it's accepted. And I think it's then - probably the issue goes to the Council liaison which is Joy.

Michele Neylon: Okay perfect. Thank you. All right so we'll send that out to the mailing list and then we can wait for people to object. Right then. The - Marika, do you have - could you bring up the draft public comment forum document please?

Marika Konings: It's coming up now. And maybe just to give a little bit of background for those that weren't on last week's call or that are new one of the charter requirements for this group or one of the first steps this groups needs to take is to obtain public input.

And we had some discussions on that on last week's call where, you know, different avenues the working group could explore to obtain that input, we've been speaking about, you know, possibly inviting experts, maybe in combination with organizing a public session in Prague.

But of course one of the obvious outreach mechanisms is a public comment forum. And I think there, you know, I didn't at least hear any objections to at least pursuing that already.

And to kick start discussions on that what I did is prepared a first draft of, you know, completing the template that we use for opening such a public

comment forum which I hope will help, you know, moved the working group forward on having language that we agree upon and putting out and opening this forum as soon as possible to allow people to provide input.

So what I've basically done is just, you know, look at what's currently in the charter and, you know, fill that information here trying to explain what the working group is doing and what it's chartered to do. But of course the working group might want to decide to put in more specific questions in here or, you know, direct in a certain way, you know, people (forward) to further information.

So this is really just a starting point and, you know, it's open for the working group to decide how they want to, you know, organize the - organize the forum.

Michele Neylon: Okay thanks, Marika. Alan, go ahead.

Alan Greenberg: Yeah, if - are we - has the decision been made whether we're going to do something in Prague or not? My inclination is if we are going to do a session in Prague is to time the comment period so it's still open after that to give people a chance, once they've been briefed, to make a formal comment.

And since comment periods are typically only open for three weeks for initial comments that will be long over by the time we got to Prague if we do it in - if we start immediately.

Michele Neylon: Okay. Marika and then Matt.

Marika Konings: Yeah, this is Marika. Just to confirm that we did request a meeting time for the working group in Prague. The request I've put in is for a meeting on Thursday morning from 9:00 to 10:30.

However it's still, you know, open for the working group to discuss how to organize that session; whether that's going to be a working group meeting with just the working group; whether that's going to be a session where experts are going to be invited to give, you know, testimony or talk about issues; whether that's going to be a public session indeed to, you know, direct maybe people to the public comment forum or whether the group decides in the end that a session is not needed.

So that's really still open for a discussion and decision by the working group.

Alan Greenberg: I guess...

((Crosstalk))

Alan Greenberg: I guess what I was saying was we should defer the decision on the timing of the public comment until we've had that discussion.

Michele Neylon: Yeah, that seems reasonable. Matt, go ahead.

Matt Schneller: Yeah, I was just going to say - and thanks, Marika, for holding that time slot in the Prague meeting - that if we're going to have the public comment forum open maybe it makes sense to put out a targeted request for information about current practices to register ours and I guess maybe to service providers just UDRP dispute service providers as well so we have a little bit of raw data that we can provide that may help us get back more targeted comments when we do open the comment period as well.

And I apologize. I was - I had meant to work on drafting up some questions to circulate prior to this meeting but I'm sort of - the big INTA trademark professional conference is coming up this coming week and so I've just sort of been slammed trying to get out the door for that. But I should definitely have time to at least pull something together and circulate it prior to our next call. Sorry about not getting that done for this one.

Michele Neylon: Thank you. Luc has put on the chat there something about benefitting from the CAC perspective. Luc, I'm a bit thick, what exactly is CAC?

Luc Seufer: The Czech Arbitration Court.

Michele Neylon: Oh the Czech one, okay, all right.

Luc Seufer: Yeah.

Michele Neylon: Thanks. One other thing are people happy with the name of this working group or do you want to give it a better name? Because at the moment we're stuck with this wonderful mouthful of Locking of a Domain Name Subject to UDRP Proceedings, a bit of a mouthful.

Sheri Falco: Hi, this is Sheri. I actually was curious about that fact. Is it limited to the UDRP specifically or could it be broadened to the concept of generally domain name locking for dispute resolution procedures in light of the forthcoming URS procedures and the wave of activity that's going to be required in that new environment?

I wasn't sure if we wanted to just limit it to the UDRP or really focus on domain locking as the goal and not specific to the UDRP but expand it to general dispute policies and procedures? Anybody have thoughts on that?

Michele Neylon: This is - oh, Marika has her hand up, go ahead, Marika.

Marika Konings: Yeah, this is Marika. This is more from a procedural perspective because I think the charter does specifically limit it to the UDRP. However...

Sheri Falco: Okay.

Marika Konings: ...if the working group would feel that, you know, it would be beneficial that some of the recommendations might also apply to other mechanisms there's always the opportunity for the working group to request to the GNSO Council to broaden the scope. And I guess, you know, there might be good reasons why, you know, it would make sense.

So I think there, you know, in principle it's limited to UDRP but if there, you know, is consensus on the working group that it should go broader the group can always make that request to the GNSO Council to consider widening the scope of the working group.

Sheri Falco: Okay.

Michele Neylon: Just as a matter of interest has the URS thing been finalized or is still kind of up in the air?

Sheri Falco: This is Sheri again. I don't feel like I'm the authority on that question but I know in terms of the new gTLD application process every new applicant had to agree to abide by those procedures and those procedures were part of the new registry service agreement that one would enter into with ICANN. So I think in some form there is a template or working protocol that's been established because new applicants have to agree to it.

And then I think some of the mechanics and the details on the providers have yet to be fully flushed out. But I know that there's a basic framework that is in place.

Michele Neylon: Okay. Margie and then Alan.

Margie Milam: Yes, this is Margie. That's correct. So the URS procedure is part of the Applicant Guidebook but the actual implementation of it, all the details associated with it, hasn't been ironed out yet is my understanding. And so I believe that that's something that staff is working on as it's also working on,

for example, the trademark clearinghouse and other, you know, things like that.

And so if this group feels that it's something it wants to address, you know, it could be in the form of maybe guidance or, you know, implementation advice, for example. And then, you know, that would get sent over to staff as staff develops the details for the URS.

Michele Neylon: Matt and then Alan.

Matt Schneller: Yeah, just going to say since - I also put a comment up. But the - where Section 8 of the UDRP is a little vague the current URS documentation, which I understand is essentially final, is pretty specific already about locking obligations. It sets up a 24-hour period from the time that the URS provider sends notice to the registrar.

So I think we - there's maybe more ambiguity to clear up at this point for the UDRP than there is for URS even though URS is still pretty much in its infancy.

Michele Neylon: Okay thank you. Alan.

Alan Greenberg: Yeah, I was going to say something similar to what Margie and Matt just said that the URS is already pretty specific on it; it may need some cleaning up. But of course how quickly we act will also impact whether we can still give advice on the URS or whether it's - requires a real PDP to change.

If we report back in six months, which we're not likely to, that's fine; if it takes us two years then it's a different game. Thank you.

Michele Neylon: Okay. Thank you, Alan. Of course the other thing just speaking as a - kind of - as a registrar is we have no actual experience of the URS yet so maybe - if it - maybe it won't need to have anything done to it. I don't know. So we can

come back to this again. But to answer Sheri's question if we want to expand beyond the UDRP then we would need to go to the GNSO to request permission to do so because it's not within our current charter.

Sheri Falco: Okay.

Michele Neylon: Is that okay, Sheri?

Sheri Falco: Oh yeah, perfect, perfect.

Michele Neylon: Just - I mean, just for those people who haven't been in working groups in the past - I'll try to kind of explain this. Alan and other people (unintelligible) have been around for a lot longer and probably say this more coherently.

The charter that we have is a charter that was approved by the GNSO. There might be areas within the charter where we might need to seek clarification, just kind of find out, okay, is it okay if we go into this area or something like that but changing the actual charter would require that the chartering organization give its okay basically. I think I kind of - does that sound okay, Marika, or have I made a massive faux pas?

Marika Konings: No that's exactly right.

Michele Neylon: Whew. Sorry, I always defer to Marika or Margie when it comes to these things. But if you look - oh, God, which documents - you keep flipping documents around, okay.

Marika Konings: Yes, as we were just talking about a charter I thought it might be helpful just to put it up in case some people haven't had a chance yet to look at it in detail. So indeed the charter basically prescribes, you know, what the working group is tasked to do.

And as Michele said if, you know, the working group is in agreement that there should be changes or recommend that there should be expansion of the current scope this is always something that can be taken back to the GNSO Council for their consideration.

Michele Neylon: Yeah okay. So just quickly looking at the charter there's - if you look at the document that Marika has put up there there's a introductory text and then there's a number of points - kind of questions, queries, that need to be addressed.

Now, you know, you can have a look through it. If there's anything that you're not clear about or whatever please do let us know. Now moving back in terms of the - in terms of the working group title I do quite like Luc's suggestion but I doubt that would be politically correct so I think we'll have to say thank you, Luc, for the suggestion but let's not use that.

Marika, could you put up the public forum thing again please? And sorry, go ahead, Alan.

Alan Greenberg: Yeah, was your comment on changing the name in reference to Luc's last one?

Michele Neylon: Final battle, yes.

Alan Greenberg: Oh okay but up above there was the part before the colon suggested UDRP Domain Lock Working Group.

Michele Neylon: Oh yeah, that one's fine. I'm quite happy with that one.

Alan Greenberg: Okay.

Michele Neylon: It was his final battle where I thought might...

Alan Greenberg: That's what I thought. So is that a recommendation that we are changing the name then?

Michele Neylon: No, no I was just...

Alan Greenberg: Oh.

Michele Neylon: ...it was just in terms of if we want to reference - I mean, it's part of the thing, Alan, as you know from previous workgroups that you've been involved with with me that, you know, if we - keep on using these really long complicated working group titles then when we go looking for comments from the community people are going to get brain freeze when they read the working group title never mind getting into the documentation or anything beyond that.

Alan Greenberg: Yeah, Michele, I'm agreeing what you that's why I'm supporting changing the title to that short one.

Michele Neylon: Yeah, I mean, so if people are in agreement with something simpler and clearer, I mean, you could put in a subtext, you know, exactly what it is. But I just think that this terribly long wordy one isn't going to help getting feedback or interest from the rest of the world really.

Alan Greenberg: And based on experience you're going to have to say it about 4000 times over the next year so...

Michele Neylon: Yes, exactly, that was the other thing I was...

Alan Greenberg: I support - yeah, UDRP Domain Lock sounds fine to me.

Michele Neylon: Yeah. Victoria, please go ahead.

Victoria McEvedy: I'm just wondering - well perhaps someone can explain this to me. But I was just having a quick look at the URS and I can see that it's got its own very

precise provisions about locking of domains subject to URS proceedings. I mean, first of all that should inform us and we should look at it because there was probably some discussion about it.

But I'm just wondering have we overlooked that? So perhaps there's been some thought into restricting the mandate - I mean, I was on the charter drafting team but we (won't) refer to it. And someone perhaps was aware of this. So what I'm saying is this work has already been done in the context of the URS.

It's provision - Paragraph 4.1 of the URS, notice and locking of a domain. Within 24 hours of receipt of the notice of complaint from the URS provider the registry operator shall lock the domain, etcetera, etcetera, right through to 4.4.

I mean, it's obvious the - something for us to have a look at when considering the UDRP provisions. But to what extent - I guess one of the issues that should be on our agenda is to what extent would it be appropriate to have different provisions in each forum?

Michele Neylon: Okay, Margie.

Margie Milam: Yeah, this is Margie. I just wanted to provide some background because I don't know if you all were tracking the GNSO Council discussions that led to this PDP. We had - I had drafted a final issue report on review of the UDRP. And it was a very comprehensive document covering a lot of things.

And (the Council) deferred it in part because it wanted to get some feedback and experience with the implementation of the URS. But because the locking issue seemed to be one issue that was causing a lot of angst and difficulties they made the decision to focus on the locking issue as opposed to the entire UDRP thinking that the review of the entire UDRP could happen after we've

got experience from the URS to know that, you know, the changes that are in there were effective.

So that's kind of the background as to why we focused on just this issue as opposed to the broader issues. But, you're right, it certainly could inform this group as it comes up with the rules for locking for the UDRP.

Michele Neylon: Thanks, Margie.

Victoria McEvedy: Can I - actually I've just got one other question if you don't mind well I'm - it's the only other question I have I think. And that's I wonder if someone would be kind enough, forgive me for not having done my reading earlier, but would someone be kind enough to refer me to the page reference and the best practice paper about 48 hours because I can't seem to find it.

You know, in the - overview document that we drafted last week there's a reference here, timeframe, under Number 3, timeframe suggested in best practice it was 48 hours from receipt of provider. I can't find that reference on the best practice paper but maybe I'm looking at the wrong best practice paper.

Marika Konings: Yeah, this is Marika. I actually received a copy of - I think the version that was discussed in Sydney. And I'll have a look if it's in there. But it probably is in there and I'll circulate that to the working group.

Victoria McEvedy: Is that the 28th of September, 2011 paper?

Marika Konings: Hold on. Check which one. It actually doesn't have a date on it it just says 2009 ICANN Workshop Sydney.

Victoria McEvedy: Right. I mean, I don't know about anyone else but I find that's, you know, it's just one of my constant (unintelligible) and it's probably just because I'm not up to date and I'm sure lots of other people are.

But, you know, a reading list for members of working groups I think would be just so helpful because, you know, it's the dark side of transparency isn't it, if, you know, it can be incredibly difficult to find the relevant things if you're not pointed to them and if you don't know, you know, about related developments that are going on.

But I wonder if it would be possible for the group to have a reading list of things that would be relevant to our work because there's probably - it looks to me like there are - I did ask this question when we were on the drafting team and the drafting team had almost nothing to read.

And, you know, it's very difficult to create boundaries around some work when you've got absolutely no background. And interestingly getting to the next stage of being on this group there is actually stuff to read which we could have had last time. But in any event it'd be nice to have it now just so that one's not in the dark.

Michele Neylon: Marika.

Marika Konings: Yeah and this is Marika, if I may respond? I think this working group is a little bit in a unique situation whereby normally when a PDP gets started it starts with an issue report on that specific issue.

And normally that issue report is then where, you know, all that information is gathered and where, you know, we really have a basis like these are the different documents that a working group should review when considering the issue and here are some other, you know, from where the issue has been discussed.

But I think in this case it's rather unique as a specific issue was drawn out, as Margie explained, from the overall UDRP review and therefore it only

received, you know, relatively limited attention in the issue report as it was really part of a much broader scope.

And I think that's why as well one of the first tasks of the working group is actually to try to find that information because we didn't do that information gathering really at the start. You know, now in the discussions, you know, we realize that, oh, there might be some information in the URS that's relevant.

There was these discussions on the - in the best practice - on a best practices paper that was done a couple of years ago that some working group members were aware of. So I think that's partly why we're in this situation and where, you know, joining the working group should then be as a first step try to identify those different bits and pieces of information that are going to be relevant in discussing and reviewing this issue.

So I think that's a bit where this comes from because I think in a normal situation, indeed, you do have a paper to start off with that outlines, you know, different documents that where information has been drawn from. So we're in a little bit of a different situation with this working group unfortunately.

Michele Neylon: Okay thanks, Marika. Is that okay, Victoria?

Victoria McEvedy: It is. Though I would say - thank you for that and I do understand - but I would say it's always an issue I have on the working groups. So, you know, I'm not sure it is such a limited problem. I think basically it should be a staff, you know, only the staff have the knowledge I think probably or the comprehensive overview of the related issue.

And I think it should be a staff function - I mean, you know, the help we get from staff is amazing but I think, you know, preparing a reading list would, you know, should be something that, you know, some thought should be given to it as a matter of good practice I think. Thank you.

Michele Neylon: All right thank you. Okay I think, Marika, didn't we - weren't a couple of links passed - sent around to a few of these documents already?

Marika Konings: Right, what I did do - and there was already at the time I think of the drafting team - what I tried to do is indeed gather the different bits and pieces that I was able to find that, you know, spoke about this issue such as what was discussed in the IRTP Working Group or was in the new UDRP issue report.

I think there's some links as well to the - UDRP itself. And I'm trying to remember what else was in there. And then there were of course, you know, I think John already circulated the link as well to the session in Sydney that spoke about the issue as well.

So, you know, so there are a couple of bits and pieces that, you know, we've tried already to get together. But, you know, I think here we really rely as well on those that are expert in this area to point to different elements that the working group should be looking at and reviewing to really facilitate the conversation.

Michele Neylon: Okay. I mean, we are lucky there's a couple of experts within this group. I mean, I'm looking at John Berryhill obviously. Good morning, John. And also Laurie as well I know has a lot of experience in this area. But maybe if we can just recirculate any of those links that were circulated previously and if there's other stuff that people think that we need to look at it might be helpful just to push that back onto the mailing list. Go ahead, Marika.

Marika Konings: And this is Marika. I think one of the challenges on the best practices paper - because for example that wasn't - there was no link - or the document wasn't posted on the Sydney forum. And I do believe, if I understand - understood John correctly - or the conversations as well in Sydney that actually further work was done after that meeting but never got published.

So there, you know, possibly are further versions that are somewhere out there but that were never, you know, agreed upon or publicly shared as such. And I don't know if that's something where for example that 48-hour discussion came from or people maybe remarked that as part of that discussion in Sydney but it was never, you know, published in a document and discussed or, you know, communicated as such.

But as I said I'll get the latest - or the version that was used for the discussion in Sydney and circulate that to the group. And I think John has raised his hand so hopefully he can shed some more light on that.

Michele Neylon: Okay.

John Berryhill: Yeah, if you could ask - Khalil Rasheed I think was the custodian of that document - whether or not that could be circulated to the list that would be great. My last instructions from ICANN's legal staff was that it was not for circulation. So I think Khalil can let us circulate that.

Marika Konings: I have the version from Khalil that was used for the Sydney. But as I understood, indeed, some of the work that has been done after that is, you know, wasn't signed off on by the different parties so might not be appropriate to share publicly. That's what I understood.

((Crosstalk))

Marika Konings: Yes, go ahead.

John Berryhill: Whatever the last available thing is, if you could get that on the list, that would be great.

Marika Konings: Yes, I'll do so.

Michele Neylon: Marika, just a practical, stupid, dumb question, I mean, if you put a great, big draft, draft, draft across the top of the whatever the latest version is, would that satisfy people or is there a problem with the even circulating a draft document if people haven't agreed to it? I'm just trying to understand the issue here.

Marika Konings: This is Marika. I'm not sure because I wasn't involved in any of those conversations but maybe I can just share what was the basis for the (Sydney) discussion which I think helps better understand as well what was discussed there for those that did listen to the recording because it does refer to, you know, (unintelligible) on certain discussions.

So maybe, you know, that can serve as a (fine) point and, you know, I think maybe we can see from there if, you know, if there's benefit of looking at any of the further drafts.

As I said, you know, I don't have access to that and I'm not really sure whether, you know, people would be comfortable sharing that if those weren't, you know, (unintelligible) by everyone.

John Berryhill: Okay. Okay, going back to the document here for the public comment template, the first few bits of that are just kind of standard boiler plates. I think everybody can navigate the document themselves, can't they, Marika?

Marika Konings: Yes.

John Berryhill: All right, so you can just grab it and move it around yourself if you need to scroll up or down. The only bits -- which are the bits that we need to look at?

Marika Konings: This is Marika. Basically the part on the description and explanation and (purp) is that's where, you know, really outline what the questions are. And as I said, you know, what I've done here is just basically almost copy and paste what is currently in the charter and just asking people to provide input on that.

You know, but as, you know, for example, you know, Alan suggested maybe we need to wait with putting this out until after the (Prague) meeting. I guess the question is does it make sense to, you know, work on this now or, you know, leave it as aside for now and first work on the other outreach elements, you know, which are requesting input from registrars and registries and other, you know, senior (sole) stakeholder or groups and constituencies.

John Berryhill: Okay. In terms of timing, what is the maximum period we can have a common period open for?

Marika Konings: There -- as far as I'm aware, there is no maximum. There is a minimum. There is a minimum of 21 days plus 21 days for responses. So, yes, an option would be just to open it and leave it open until after (unintelligible), right. I'm aware there's no limit on how long a public comment period can be open.

John Berryhill: So in theory, we could open the common periods, let's say hypothetically, at the beginning of June and leave it open until, let's say hypothetically, the second week of July or something if we wanted to.

Marika Konings: Yes, exactly, as long as there is a first phase and a second phase which is, you know, the public comment forum and then the second phase which is an apply period, as long as that's respective on this. There's no problem.

John Berryhill: Okay, right. So, yes, so Alan just put in the chapter we could open today and keep it open until July whatever. Okay, so the thing that -- one of the things that I think we probably need to have a look at is the description, explanation and purpose. Background, I suppose isn't going to really need much change, more the description, explanation and purpose where there might be some tweaking and questions and things that (unintelligible) might want to add.

If you all scroll down you should see that Marika says it's basically a copy and paste from the charter. Just reading through this, so it's quite -- what's the word I'm looking for -- quite wordy in some respects. Maybe it might -- it might not be a bad idea to look at simplifying the language there in some respects.

The kind of -- the question -- the kind of bullet points that are worth -- creation of an outline of a proposed procedure, which complainant must follow in order for a registrar to place a name on a registrar lock would be desirable.

I'll just do it that -- that's actually -- sorry, can we word that better is the question I would ask. Another one, whether the creation of an outline, the steps of the process the registrar can reasonably expect to take placed during a UDRP dispute would be desirable, whether the timeframe by which a registrar was locked to remain after a UDRP has been filed should be standardized, whether what constitutes a locked domain name should be define, whether once a domain name is locked pursuant to the UDRP perceived in the registrant information for that domain name may be changed or modified.

Actually but as a question, is there a difference between changed or modified? I mean, I'm sure the two words mean the same thing. I'm missing something. Marika?

Man: I would expect change to indicate a change of registrant whereas modification, you know, a correction or update.

John Berryhill: Okay, thanks. I'm sorry. I'm just -- I'm not a lawyer so I it looked like the same thing to me. Whether additional safeguards should be created in protection of registrants in cases where the domain name is locked subject to UDRP proceedings.

I mean, are there other questions that people want to ask as part of a public comment period? Victoria, go ahead.

Victoria McEvedy: I mean, I hate to say -- I don't want to repeat my earlier point, but without having done a bit of background reading, it's a little difficult to be -- I mean, I'm sure we will discuss these questions again. But, frankly, I'd like to go around and read some of the material before we -- and I'm sorry that I haven't done so earlier.

John Berryhill: Okay. Alan?

Alan Greenberg: Yes, I'll say the same thing in a different way. I think we need to think about these carefully. I look at this and I say look at the question whether what constitutes a locked domain should be defined and then whether you can change it, change the who is information. Aren't those two almost the same thing?

I mean, by defining exactly what we mean by a locked name, we are now -- we are going to have to say what is locked. Is it, you know, the address pointing to the Web site? Is it the detailed contact information? Is it who owns it? I think those are all part and parcel of the same thing.

And I think when we're asking questions, we need to make sure that the question is clear. And the fact that I think those two are the same thing implies to me they're not clear right now and I think we need, perhaps, to refine them and maybe put examples, so we're drawing attention to the questions we really want to answer when people comment.

So I think we need to do some work, thank you.

John Berryhill: All right, Marika?

Marika Konings: Yes, and this is Marika. Maybe I've created that confusion because if you look at the chart, those questions are actually numbered and those questions are 4A and 4B, so I think the drafting team, you know, did see as well that

there was a clear overlap and linking. So they, you know, linked them together and that way they're calling them A and B.

But I thought, you know, maybe it would be confusing here to have numbers in here so I took that out. But it's -- I don't know. If people think just having an A, B question to make clear that, you know, those two items are linked, that it would be easy to change, you know, unless of course you want to do a further rewording or changing.

John Berryhill: Okay, thanks, Marika. Okay, based on what I've heard from both Alan and Victoria then maybe what we need to look at is just looking at some (simple act of) trying to clarify a few of the key, let's say -- I wouldn't say issue. I'd say terms.

Laurie just put in the chapter maintain the states (unintelligible) in my opinion would refer to keeping everything the same, contact info, DNS, preventing transfer or exploration/cancellation.

For example, the status quo -- does everybody agree on what the status quo is or do you see the status quo as being something which is possibly a gray area? I'm seeing (Luke) on the (chapter) saying as well DNS would be impossible for registrar that don't provide DNS service, let alone hosting service.

Is there a general agreement or disagreement on what some of these terms mean? So maybe we need to focus on those initially to get some kind of feel of what people feel -- get some kind of understanding of how people perceive both concepts first or am I going the wrong way with this? Alan?

Alan Greenberg: Yes, I think in regard to (Luke)'s comment, clearly we can't put requirements there that are impossible and that happens to be one of them. You know, we can't say DNS can't be changed if no one that we can enforce anything over has control over that. So I think we need a sanity check of what we require.

But given that, you know, I'm agreeing. We need to -- (unintelligible) -- we need to look at what we're trying to say and then put it in clear words. I don't think we should be bound by the words in the charter in this case. If they're confusing then we need to make sure that what we're asking is not confusing.

Man: Okay. Marika, I'll come back to you in a second. Laurie?

Laurie Anderson: Yes, I was just going to say that what's respective of UDRP, DNS really isn't that relevant because it's all about, you know, it's more about trademark. And it's more important than litigation pieces. So, you know, DNS I don't think is that important.

Man: Okay. Marika?

Laurie Anderson: From my standpoint.

Marika Konings: Yes, this is Marika, just a comment on the status quo question because I think that's one of the key issues because I mean if you look at the UDRP itself, the line which -- I mean, it doesn't talk about locking. It just talks about status quo.

I think that's part of, you know, this working group is looking at what does that mean? And so these -- you know, having a common understanding I think is already a big step in the right direction. But I think as some point out in the chat, you know, that would be one of the questions maybe to get further input on how that's being defined at the moment.

Man: Okay. John?

John Berryhill: Yes, the question to be resolved in UDRP is whether the registrant is going to keep the name or whether the name is going to be transferred and I think status quo needs to be understood in that context of who the registrant is,

you know, in terms of operational aspects of the domain name such as DNS or name servers or something like that.

You know, there is no presumption that there is anything wrong with the way that the domain name is functioning merely because a UDRP system filed and doing things to DNS or name servers provides and opportunity, you know, for a lot of mischief.

The important thing that people are worried about is cyber flight, that the name is going to get transferred to some other registrar during the course of a proceeding. But given that, what a UDRP does is determine whether or not there is going to be a transfer of ownership.

I think you need to understand status quo in that context, which is distinct from the URS which does not have a transfer of ownership as an outcome and operates on a shorter time scale.

Man: Okay, thanks, John. Laurie?

Laurie Anderson: Sorry, that's an old hand.

Man: Okay. Just a couple things from the chat just for the transcript purposes, (Matt) is suggesting we should ask the registrar constituent group for an overall view of current practices and Laurie agrees with John. Registrant info is the most important from the UDRP standpoint. Okay, anybody else have any other thoughts on this? No, okay.

As the status quo is something that we will have to battle with, is it worth our while then for people to kind of -- for us to discuss maybe via the mailing list what we understand as the status quo, what we understand it doesn't refer to? Okay, so John agrees with me.

Okay, so let's -- what I'll try to do is I'll try to post a couple of questions, a couple of emails to the list with a couple of questions that maybe people might want to try to answer in some shape or form. Maybe we can trash through some kind of -- I won't use the word definition because I think that's a dangerous word to use -- some kind of working understanding maybe, a working definition, I don't know, something that would just give us some area where we don't disagree too strongly.

The term locked doesn't actually appear in the UDRP anywhere, does it John?

John Berryhill: No, it doesn't.

Man: Right, okay. The rest of that document, so ideally do people feel at this stage that we should be asking the registrars for feedback on their current practices or should we be focusing on the -- on a public -- less public common document? Which should be -- oh, go ahead, Victoria.

Victoria McEvedy: Probably (unintelligible). I mean, you know, I just wonder if we're jumping ahead of ourselves because we're using the position to even -- I mean, are we putting the cart before the horse, really? We really haven't informed ourselves sufficiently to form any views.

And there's been quite a lot of work done to date I understand, so we may be replicating outreach until we comprehensively work out what's already occurred.

So I mean, there's obviously been quite a lot of -- there's been a lot of earlier work and someone was saying it was very -- that this would prove very contentious before. So frankly I really -- sorry, because I'm repeating myself - - I really do think we really need to comprehensively study what's been already done, what issues have arisen from us.

I can't see -- I don't really have a standing issue with draft. I don't understand why we can't have the benefit of draft work to date. I don't understand the confidence issues that might be involved in it but I'd be happy if someone could explain them.

I'm just sort of concerned that we might be wasting time and replicating, you know, what looks like it's been fairly comprehensively reviewed.

Man: Thanks. Marika, go ahead.

Marika Konings: Yes, this is Marika. Just to explain on the paper, because I don't want people to think that, you know, that paper was -- that paper didn't focus solely on locking. I think what I really want to try as well to avoid and if people listen to the conversation of the (city) meeting, that addressed UDRP in general.

It didn't only look specifically at the locking issue. So I think, you know, although I think it is important to look at whether the paper addresses (unintelligible) to locking. I do want to caution the working group not to, you know, use the paper as a starting point and reopen all the other issues that are linked to it because I think that we might really get off track and that -- probably that's one of the reasons why that effort, you know, didn't go anywhere because there are a lot of other contentious issues that are maybe more difficult to resolve or there are other issues related to it.

So I think, yes, as I said, I'll circulate the paper and, you know, people can probably look or try to find the parts that specifically deal with the locking issue. But I think I want people to make sure they try to understand that (there are very) other elements that are addressed in that paper as well that are not part of the charter of this working group to look at.

Victoria McEvedy: But there was an earlier outreach exercise, is what I understood when I looked at the submit charter draft (contained). There had already been

comments taken. I don't know if it was from the public. I didn't keep the paper not knowing I was going to be on this group.

But, you know, what I had gathered from that was that there was an outreach exercise that had already been undertaken with, I believe, certain of the registrars.

Marika Konings: I think that relates to -- as I said, the overall, the previous issue paper on the overall review of the...

Victoria McEvedy: That certainly covered this issue in some detail as I remember. I just don't have it to hand because I didn't keep the papers. But there has already been an outreach, I'm pretty sure of that on this topic with properly detailed responses on this issue.

So, you know, I just think we should start with that material and, you know, we don't want to test the patience of the people we're asking to give their time and their energy, so anyway.

Marika Konings: If you could share those papers that would be great because I'm not really sure what you're referring to because the information I drew was from the issue report on UDRP whether it were different public sections and public comment forums where, indeed, the issue of locking was mentioned and those were the parts I, you know, took out of the report and highlight as well in the information document.

So if there is something out there that can specifically address the locking, I think that would be, you know, really helpful and I agree that the work group should definitely look at that. So if anyone has that information that would be great.

Man: Okay, (Shary)?

Sharon Lemon: Yes, my only comment was you had mentioned that possibly reaching out to the registrars to get information about their protocols and procedures would be informative or a possible path. And so I just wanted to make a little bit of comment about that.

When we were drafting our own sort of specialized policy at XXX for dispute resolution issues, I learned at that point that obviously different registrars do different things and there's clearly privacy proxy service implications in the locking procedures.

So I think -- I don't know if there's a preexisting document that registrars have already shared this information. That would be interesting I think because I do think that registrars may do it differently. I don't know that there's a uniformity in that regard.

And I had the sense that some registrars may be more forthcoming than others, which is probably always the case but it might just be generally helpful for the dispute resolution providers themselves to have information about what registrars do, so if we did get some sort of input and was able to share that with providers, I think that would be of value in and of itself as well.

Man: Okay, thanks, (Shary). John, do you -- you had your hand up I think.

John Berryhill: Oh, I was just going to say I don't understand the confidence issue around the previous document either. You know, I was just -- I was told it wasn't to be shared and don't know why and I was simply, you know, mystified by it.

Man: Okay, fair enough. Just in relation to the couple comments people made about feedback and stuff in the past, my own recollection was that we and the registrar stakeholder group provided feedback in relation to UDRP's role, as in the entire UDRP review as opposed to the big issue.

So while there might have been a common and input on this specific issue, also a lot of input on the UDRP reform in general. I think that's -- that might be the document that somebody was referring to. But, again, I could be misremembering.

Okay then, we've got about two minutes left, so I think we need to wrap up. The -- oh okay, one second. There's another comment on the chat there from (Matt).

He's going straight to public comments may not result in as effectively targeted public comments or (just) lock issue have in the background of current registrar practice.

I believe select public commenters specifically comment about what current practices work or don't and why, okay. The next meeting is scheduled for same time next week. We can continue discussions on such matters as the state has (unintelligible) and other things by the mailing list. It would be helpful. Marika, go ahead.

Marika Konings: This is Marika. I've also been trying to keep track on, you know, the different issues that were raised because we did go a bit into approach and certain things. So I've also updated the (mind map) and will also circulate that to the working group after this call.

Man: Okay, thank you. I've been -- does anybody have any other issues they wish to raise at this time? I'll end this meeting and I'll speak to you all next week.

John Berryhill: Thank you.

Man: Thanks.

((Crosstalk))

END