

**Locking of a Domain Name Subject to UDRP Proceedings PDP WG
TRANSCRIPTION**

Wednesday 07 March 2013 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of the Locking of a Domain Name Subject to UDRP Proceedings meeting on Wednesday 07 March 2013 at 1500 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-20130307-en.mp3>
On page:<http://gnso.icann.org/calendar#mar>
(transcripts and recordings are found on the calendar page)

Attendees:

Alan Greenberg - ALAC (Vice Chair)
Matt Schneller - IPC
Laurie Anderson - RrSG
Michele Neylon - RrSG (Chair)
Luc Seufer - RrSG
Ty Gray (for David Roache-Turner, WIPO)
Kristine Dorrain - NAF
Lisa Garono - IPC

Apologies :

David Roache-Turner - WIPO
Hago Dafalla - NCUC
Celia Lerman - CBUC
Gabriela Szlak - CBUC
Volker Greimann - RrSG
David Maher - RySG

ICANN staff:

Berry Cobb
Lars Hoffman
Marika Konings
Nathalie Peregrine

Coordinator: Thank you. The recording has now been started. Please go ahead.

Nathalie Peregrine: Thank you very much, (Sam). Good morning, good afternoon, good evening. This is the UDRP Domain Name Lock Working Group meeting on the 7th of March, 2013.

On the call today we have Michele Neylon, Matt Schneller, Alan Greenberg, Laurie Anderson, Kristine Dorrain, Ty Gray in for David Roach-Turner and Luc Seufer. We have apologies from Celia Lerman, Hago Dafalla, Gabriella Szlak, David Maher and David Roach-Turner.

From staff we have Marika Konings, Berry Cobb, Lars Hoffman and myself, Nathalie Peregrine.

I'd like to remind all participants to state their names before speaking for transcription purposes. Thank you very much and over to you, Michele.

Michele Neylon: All right, thank you. Okay then I don't think Volker is on this call today is he? I think he should be added to the excuses list since Luc and I know that he is off gallivanting.

Nathalie Peregrine: Okay.

Michele Neylon: Yes. If you had an option on the thing to put in, you know, reason why the person is absent it would make for an interesting - make it much more interesting.

Okay, as per usual I have to ask you all if you have any changes to your statements of interest and all that? Anybody change allegiances recently? No? Alan, have you become a capitalist in the last week or so?

Alan Greenberg: I wish.

Michele Neylon: Okay. I haven't converted to communism or anything weird like - can't imagine many others have. Right then so moving on. Okay...

Alan Greenberg: I mean, I've always been - I've always been a capitalist I just can't - don't earn any money at it.

Michele Neylon: All right yeah, okay. Just not a very good capitalist.

Alan Greenberg: Indeed.

Michele Neylon: Just like me. Okay we are in the kind of - I was trying to think of a metaphor - we are in the final furlough or whatever the metaphor is where the - we can see - we can see light at the end of the tunnel in many respects. We're moving forward. The end is nigh.

So at this juncture there's a couple of things we need to do. No, Luc, we're not going to die. That's when you're coming towards the light; it's a different concept.

Now what we need to do is agree on a few things or disagree on them. And disagreeing is perfectly okay as well. So on the - on our agenda for today is to assess the level of consensus for the preliminary recommendations. So this is where I'm talking about - to you about agreement and disagreement. It is perfectly okay for us to disagree on certain matters. And we're all adults so we're not going to have tantrums I hope.

We should also have a look at the expected impact of the proposed recommendations and then there's a few proposals, adoptions that we need to have a quick look at. We need to confirm the deadline for submissions of comments on the initial report. Actually hold on a second, I don't have a - sorry, Marika, was that in relation to the comment period or our own comments?

Marika Konings: No, this is Marika. That is our own comments because presumably people want to have a...

Michele Neylon: Okay.

Marika Konings: ...final review so we need a cutoff date so we can publish by the 15th.

Michele Neylon: Perfect. Sorry just - you have to bear the thought that I've been in a meeting since like - since I came in other office this morning talking to a software vendor so my brain isn't quite in the zone yet if it ever is.

And then of course the usual next steps, confirm next meeting, which will have a couple of interesting tweaks to it due to time zone - time differences, changes, clocks and GNSO meetings.

Marika or somebody, do you have that wonderful definition document on ICANN's definitions of consensus or a link to it?

Marika Konings: This is Marika. If you could give me two seconds I can probably post the level of consensus in our chat window.

Michele Neylon: Perfect. Okay just explain this; it's just because ICANN has already discussed, at length, like everything ICANN does, it's been discussed at length, the concept of consensus and has come up with a number of levels of consensus so that we don't have to do that we just have to decide whether - which level is appropriate for each recommendation.

So, I mean, some of the stuff is pretty damn obvious. Full consensus, which you can also call unanimous consensus so assuming that most of us don't live in totalitarian dictatorships, you know, you understand that idea.

So full consensus where no one in the group speaks against the recommendations - recommendation in its last readings. This is also sometimes referred to as unanimous consensus. Consensus, a position where only a small minority disagrees but most agree.

Strong support with significant opposition, a position where most of the group supports a recommendation there are a significant number of the group who don't.

Divergence, which also can be called no consensus, a position where there isn't strong support for any particular position with many different points of view. Sometimes this is due to irreconcilable differences of opinion and sometimes it's due to the fact that no one has a particularly strong or convincing viewpoint but the members of the group agree that it's worth listing the issue in the report nonetheless.

And then of course you have minority view which refers to a position where a small number of people support the recommendation. This can happen in response to a consensus; strong support but significant opposition; and no consensus or it can happen in cases where there is neither support nor opposition to a suggestion made by a small group of individuals - a number of individuals, beg your pardon.

For those of you who've been around for a while these are probably not strange terms; for some of you who haven't been around as long this might be slightly new. Does anybody have any queries, questions or comments on these?

Marika, please, go ahead.

Marika Konings: Yeah, this is Marika. I think something we have done in other working groups is basically saying because, you know, these are still preliminary recommendations. I think we've said in other working groups something like these appear to have, you know, consensus or full consensus at this stage but that doesn't take away the right from the working group, you know, to change its views depending on the public comment or - and a final determination will be made in the final report.

But again there's a bit of flexibility but at the same time shows that at this stage there appears to be I think at least consensus or at least I haven't seen anyone objecting to any of the recommendations as they currently stand but still it shows that, you know, we have some leeway in possibly making changes or people, you know, changing their minds depending on what feedback is received as part of the public comment forum.

Michele Neylon: So, I mean, so in summary, Marika, one could say that we can just summarize it by saying that, you know, this is our current - our current status at time of publishing. I mean, that - we reserve the right to change this based on feedback from the community or something like that.

Marika Konings: Right.

Michele Neylon: Okay cool. Any - oh, oh my God, hands have gone up, wow. Excellent. So we will go to - we will go to the Canadian jury first and then we will follow up with the US jury. So we'll go to Alan and then Kristine.

Alan Greenberg: Thank you. Just pointing out that according to the rules we can not judge consensus purely by those on calls. Consensus calls must include anyone who is nominally on the working group which implies who's on the email list.

Michele Neylon: So, Alan, just by way of clarification - and thanks for that, Alan - what's - so basically what that means is we need to - we need to assess consensus via the group's - the working group's mailing list?

Alan Greenberg: You need to call for any dissension that way.

Michele Neylon: Okay.

Alan Greenberg: There were large or strong conversations at the time and there were a few people - no longer on Council so it's not clear that would still be the rule if we

were to try to assess it again. But the rule was you could participate in the mailing - in a - deemed to participate in the working group and never show up at any meetings.

Michele Neylon: And I'll have to say...

((Crosstalk))

Alan Greenberg: You, in theory, are contributing on the mailing list when necessary and listening diligently to all of the recordings after the fact. I personally strongly doubt that happens but that is what got put in the rules.

Michele Neylon: Okay. Kristine.

Kristine Dorrain: Hi, thanks. This is Kristine from NAF. Say, I just wanted to point out - I don't know if it's - if this is appropriate to discuss right now because we're talking about consensus but I think that the initial report actually has an error in it. I found at least one place where there's - something was I think misstated. So that - are we talking about that now or are we only talking about the definition of consensus right now?

Michele Neylon: Okay. Kristine, with respect to these errors are they - how can I put this? Are these kind of syntactical errors, typos or, you know, massive content issues? Just trying to understand how big these errors are.

Kristine Dorrain: Just from the statement, so at the top of Page 15, for instance, it says, "The working group is of the view that a requirement to lock a domain name should only be the result of a formal notification by the UDRP provider after a complaint has been found administratively compliant."

But if you look at our flow chart and everything we talked about, you know, we don't do the administrative compliance check before we notify the

registrar of the need to lock. We talked about that that we - and Marika actually clarified it in the Strawman like in the actual like flow chart at the end.

It says that we're just going to do a quick-look review to make sure that it's a valid complaint then we request the lock, then we do the administrative compliance check. So I suspect that this writing in here is some residual from before we had clarified that. So I just wanted to make that clear.

And then I think, if you look a little bit above that statement, it says one UDRP provider requires notification of the registrar. And I know we do so that maybe referencing to us but I really thought WIPO did also. And maybe they could weigh in. But I think it may be that both - because I think that both WIPO and NAF both require registrar notification but again I could be wrong. I know we do.

Michele Neylon: Okay. Marika, go ahead.

Marika Konings: Yeah, this is Marika.

((Crosstalk))

Marika Konings: Yeah, this is Marika. Because actually just on your last comment are you looking at the latest version of the report? Because I presume you're talking about Page 14 talking about the current situation because we actually - what it says there now is, "Two UDRP providers, the ADNDRC and WIPO also require the complainant to submit a copy of the complaint to the registrar at the time the complaint is submitted to the UDRP provider."

So you're basically saying that there it should have - we should add NAF as well so it should be three UDRP providers.

Kristine Dorrain: Okay. I must not be. I'm looking at the March 5 version. Did you send one out after that - did I miss a more recent version?

Marika Konings: No that is the latest one. But if you look on the screen - let me take control - there and maybe we're looking at a different paragraph.

Kristine Dorrain: Oh maybe, yeah, I'll let you get us to the right page on the screen; maybe that's the problem.

Marika Konings: Yeah, I have now on the screen I think the paragraph you're talking about. But basically coming back to your question I think that the consensus question is more about the recommendations themselves.

I think all these kind of changes and I think that, you know, the one before last one on the agenda is indeed about those that people have a thorough review and let me know if there are any indeed inconsistencies and the point you referred to before is indeed a remainder from the previous report where we hadn't finalized that recommendation yet.

So I think there we - the idea would be to give working group members, you know, another couple of days to do that and send those changes to the mailing list so we can make those, you know, those minor changes to the report to make sure it's consistent.

Kristine Dorrain: Okay.

Marika Konings: But I think the consensus call is more about the recommendations themselves.

Kristine Dorrain: Okay. Can you scroll down to Page 15 because it was the top of Page 15 that I had noticed that. So where you see it says - the requirement - the third line there, "As pointed out above the requirement by one UDRP provider to serve the registrar..." so that would be - we would need to make the correction that it's three providers, then if ADNDRC requires it also.

And then it says - beneath that it says like I think on the sixth line it says,
"The working group is of the view that a requirement to lock should only be a
result of formal notification by the provider after a complaint has been found
administratively compliant."

And I believe that that was not the consensus opinion; we did not find that. In
fact you your outline talks about how we do the initial validity look and then
we request verification and then it's the administrative compliance check. So
that first bullet point, bottom of Page 14, top of Page 15.

Marika Konings: Right, I got that. So basically it should actually say after a complaint has been
submitted for verification.

Kristine Dorrain: That's correct.

Alan Greenberg: Yeah, it's Alan. We had decided something like that but really we were saying
the registrar doesn't have to lock until they are notified although - by the
provider although they...

Kristine Dorrain: Right.

Alan Greenberg: ...they may lock earlier. I think that was the substance so the timing - the last
phrase is the part that was either...

((Crosstalk))

Kristine Dorrain: That's...

Alan Greenberg: ...can either be omitted completely or changed.

Kristine Dorrain: Yeah, right. We could actually just take out the words, "...after a complaint
has been found administratively compliant." Because, you're right, Alan,

we're talking about the timing of the lock saying do you lock after formal notification by the provider or you may lock sooner than that.

Alan Greenberg: Yeah.

Kristine Dorrain: Yeah, sorry about that. I'm going to go back on mute because (unintelligible) weighing in here.

Michele Neylon: We're a family-friendly working group; don't worry about it. We're not pet friendly; we're family friendly.

Okay any other comments or input or thoughts from - on any of this? Marika.

Marika Konings: Yeah, this is Marika. Just to clarify on any of this you just mean on the consensus question or you mean the other issue as well?

Michele Neylon: Oh sorry. No I meant - well both actually.

Marika Konings: Okay so can I make - yeah, this is Marika again. So if I can make a point on the second part because as part of the PDP rules the working group is also required to provide feedback on the expected impact of the proposed recommendations.

And, again, there I think, you know, part of our conclusion is probably there that, you know, we believe that this will, you know, hopefully clarify the process and, you know, address some of the confusion or issues that have arisen out of this.

But if there are any other elements of impact that we need to notify, for example, you know, does this require UDRP providers or registrars to change their systems? Does this require, you know, additional communication or outreach efforts?

Any kind of other expected impact that we may want to note as part of, you know, for example, an expected impact is as well one of them I think we may need to call out is that, you know, it will require, you know, two of those will require a change to the UDRP rules so that's something to, you know, call out as well.

And if there are any other, you know, and again I can make a first draft there based on, you know, the points I just made but if there are any other elements that should be added there please let me know and we can add that to the report as well.

And again that is not an area where I think we will specifically ask for community input so that can be factored in for the final report and then we're expected to have a more robust evaluation of how we expect these recommendations to impact the different parties and possibly provide as well some guidance when it comes to implementing the recommendations.

Michele Neylon: Okay. Alan.

Alan Greenberg: Thank you. I was going to address what Marika was just saying. The only area that I see which might - might have significant impact, if and when we actually do it, is we were planning to compile a list of, again, some part of it - that was on my - on my to-do list which I haven't done - to compile a list of all Whois elements and identify their status of this may be changed, can be changed...

((Crosstalk))

Michele Neylon: I can give you a list of Whois elements already - that work was already done in the IETF.

Alan Greenberg: No, no, I have the list but it's assigning the categories...

Michele Neylon: Oh.

Alan Greenberg: ...to it.

Michele Neylon: All right sorry.

Alan Greenberg: And which ones may not be changed at all if there are any. And depending on how registrars currently do the lock that may impact, you know, that kind of thing. So it's not something we've done right now so I'm not sure we need to refer to it but it's something to keep in mind that that one could end up having some impact on registrars.

Michele Neylon: Okay. Marika, oh glorious person...

Marika Konings: Yes.

Michele Neylon: ...who knows all the answers to all my questions about ICANN policy and process, aka, the walking policy dictionary that you are or encyclopedia or manual, how much detail do we need to provide with respect to this impact stuff?

Marika Konings: Ideally - this is Marika. Ideally as much information as possible. But again as we're here at an initial stage and we're putting these recommendations out for comment I think the hope is as well that if there are significant impacts that we haven't foreseen or certain changes that will be required I think the expectation is also that that kind of feedback is hopefully provided as part of the public comment forum.

So the more thorough analysis of the expected impacts or implications can be done as part of the final report. So again it's a little bit of a balancing act here; we can try to identify what we believe may be the possible impact on - or as Alan said there may be an impact on registrars and how they currently lock

domain names; there may be an impact on complainants on how they currently file their complaints.

There is probably an educational effort where there may be - some more effort has to put in to make sure that, you know, registrars understand what their processes are, what the requirements now are. But again if there are any other areas that we already now know we can add them but otherwise I think it's something, as well, that can be considered in further detail as part of the final report.

Michele Neylon: Okay. Just a couple of things. One, where in the report would you normally put that? I mean, do you put that in - under each recommendation? Do you put it in separately? Where would you put it?

Marika Konings: This is Marika. In the case where you really have, indeed, separate recommendations and you can identify for each of them a different kind of impact it would indeed go with each specific recommendation. But as I've currently written it in Section 6 I think I've put it at the end of that section on Page 28. I've left there a space for the preliminary level of consensus for these recommendations.

Again assuming that the assessment of the consensus will be done on the package and not on individual recommendations. But again for final report there may be, you know, a difference in where people support certain recommendations but not others. But I think at this stage - or at least I haven't heard anything talk to the contrary - I think we make an assessment based on the whole package.

And the same for the proposed recommendations; I think where at this stage probably it's easier to describe an overall expected impact of, you know, this whole package of recommendations. Unless of course there are specific recommendations where people feel we can specify or clarify what the impact of that specific recommendation is...

Michele Neylon: Okay, all right.

Mk: ...going to be.

Michele Neylon: Okay. Sorry. For somebody who's first language is not English, boy you speak it fast at times. Can we, in the introductory text for the comment period and everything, actually ask specifically for input on this area? I mean, because the fear I would have is, okay, the report without it being completed, without us filling in the level of consensus, without us filling in our expected impact as we currently assess it is already running to 40 pages.

So I would suspect that a lot of people who might be interested in this might not be able to read the entire report and are probably going to skim the kind of highlights. And just wondering can we just call out that thing, you know, you know, these are our proposals; we'd love to know what you think the expected impact is.

I mean, I don't know, is that feasible?

Marika Konings: Yeah, this is Marika. What I can do I can already start drafting, indeed, the text for the public comment forum and share that as well with the working group so you can have a look at that and make any suggestions you deem appropriate or things that need to be called out.

But I think typically indeed we do call out like, you know, specific input is requested on this section or these issues because I think as well in this case, you know, where we want specific input is on Section 6 of the recommendations. And again there I think the expected impact is one of the other elements where we'll be looking for community input. So that's definitely possible.

Michele Neylon: Okay thanks. Right. Okay there's some quite interesting things on the Adobe chat there. I would - if I can stop to try and capture some of that because I think it does go to - speak to some of these things that we have been looking at.

Marika Konings: Yeah, and, Michele, before you go into that - because actually that's, I think the last point on, you know, items for review. And one of the I think still open items that is currently not captured in the report but where we need to make a decision or determination if that's something we're going to include and call out or whether it's something we're going to refer to as one of the items we'll look further into - into the final report but we may want to ask for community input or indeed outline I think the two different processes that have been proposed.

So I would like to get back indeed to the people that have been discussing to see if indeed there is a compromised position or agreement between I think it's mainly registrars and the UDRP providers on what is acceptable or what could be done as a compromise to address that issue.

Michele Neylon: Okay. Does anybody else have any input at this juncture? Working on the basis as ever that if you are silent we assume that you agree with us. Okay no movement.

Right. Now we have a bunch of proposals here from Luc and - well not a bunch of proposals, beg your pardon, there's two proposals; Option A and Option B. Do we want to offer both options at this juncture? Or do we want people - do we want to put forward one option only? How married to these proposals are people? What are people's thoughts on these matters?

Kristine, good afternoon.

Kristine Dorrain: Well good afternoon, good morning, good evening to everybody as well. So my suggestion would be that we - well I don't even know if I have a

suggestion. I'm wondering if proponents of the different suggestions - because basically the main difference is whether or not the provider is going to be involved in either sort of rubber-stamping the official-ness of the settlement or at least notifying the registrar.

I think Luc and the Registrars concern is that they could get some sort of fraudulent, you know, request or that the registrar would not understand that there's really a settlement allowed so some sort of correspondence from the provider would help the registrar know what's going on.

The providers - and I'll, you know, take the liberty I guess of paraphrasing all of our viewpoints. But I think the providers are thinking well we don't have any authority to order a transfer apart from a panel decision. So the, you know, NAF or WIPO can't just call up a registrar - email a registrar and say hey the parties have agreed to settle; you need to implement that. So I think that's sort of the fundamental difference here.

And I almost am wondering if the preference for the proposals would possibly run against - I don't want to say party lines but I'm wondering if the registrar (would) really like Luc's proposal because it does provide the registrars with a little more certainty.

And I'm wondering if the parties, meaning mostly the complainants, would prefer the way that things currently happen because it doesn't require extra steps, it doesn't require them to notify the provider or wait for the provider to do something.

And, you know, if they reach a settlement at the 11th hour and notify the registrar there's no timing issues with respect to notifying the provider and making sure that the provider then gets the notice, forwards it on to the registrar, tells the registrar they can proceed all before the suspension or the stay period is over.

So I'm sort of wondering if it would fall, you know, if it would fall under the two camps, you know, if that would be helpful for us. I don't know that it would be helpful for us. If all the registrars decide with Luc and all the, you know, complainants decide with, you know, the providers so I don't - I almost wonder if it would be better to just make a proposal and let other people say what they like or don't like about it. I guess that's my long version of what I'm trying to suggest.

Michele Neylon: Okay thank you. And now we have Ty who is representing multiple people from WIPO I gather.

Ty Gray: Yes. Hello, thanks. This is Ty. Thanks for everybody who's contributed to this. I know that we were talking about this last week and so we had to think about the process from our perspective and what we thought was, you know, going to be something that we could do, what would be useful for the registrars in the parties.

And I think, you know, noting that we see - and many registrars may or may not know - we see a lot of these suspension procedures. And as Kristine noted there's a lot of registrars who are fairly - registrars and parties who are pretty used to a procedure.

And one thing I think it would be useful to at least retain the option for parties to continue and registrars to continue if they're comfortable with it. Under the framework that currently exists, the way that I believe also NAF what happens is that, as those who said before, the parties would jointly - or the complainant would ask for a suspension in order to engage in a settlement.

And then thereafter the proceedings would be suspended and the parties may wish to then work directly with each other and inform the registrar who would then implement this transfer or cancellation of the domain name. And I think that in many circumstances this appears to go completely fine.

We typically would only receive any sort of conformation at the end of such action that, you know, the transfer was successful or the domain name was cancelled and that the proceedings may be withdrawn or in some other circumstances the parties don't agree and they may reinstitute.

So that's what we typically see. But I understand that, you know, there are certain parties and registrars that may wish for us to confirm that certain materials have been received.

And from that perspective I don't see a problem per se in adding a particular requirement - or not a requirement but an optional procedure by which if a registrar wishes they can say, you know, please confirm that, you know, you've received these documents.

And we may be able to confirm that, you know, in fact we have received a settlement or some sort of document that evidences the party at this email address, has confirmed that they wish to transfer a canceled domain name and that's been, you know, received or confirmed by the other party at this email address.

And just notify that, you know, in light of the practice that maybe we develop here right now that under this circumstance the registrar may unlock the domain name for purposes of transfer in order to effectuate that particular aspect of a suspension and a settlement agreement.

So in that light I just wanted to basically come to a point where, you know, it's good for us I think to retain that aspect of the procedure that works of course for everybody that has been using such. And if they're happy to continue doing so I don't see, you know, that - why we should obstruct that if the registrar and the parties are fine with that.

But if they wish to request further information, confirmation of receipt of these documents from the Center, I think although adding in additional aspects of our work over here we're not necessarily opposed to that. Thanks.

Alan Greenberg: It's Alan. I understand Michele has dropped off the call. I guess he didn't like what you were saying so I'll step in so thank you for your intervention. Ty, is that a new hand?

Ty Gray: Oh sorry, no. It was a vestigial. I'm trying to take my queues from David here. I'm not a good student all the time with this terminology.

Alan Greenberg: That's okay. Any other comments at this point? Marika.

Marika Konings: Yeah, this is Marika. My question is actually what we're going to do then with this specific issue. Kristina suggested that maybe we just call out the two options; the one that has been suggested by Luc and the other one that has been proposed by Kristine as they're listed now in the agenda.

And basically ask for community input on this and note that, you know, the working group will discuss this further as part of their deliberations on the final report and based on any input received. Is that a agreed approach or do people feel that we should put in one and not the other or how do we want to move forward on this one?

Alan Greenberg: Well it's Alan speaking. In my opinion since we are so close to trying to lock this report in unless people feel that we could come to closure on a single one and do it very quickly I think presenting both of them and asking for input is a reasonable thing to do.

Michele Neylon: All right thank you.

Alan Greenberg: Oh Michele is back.

Michele Neylon: Michele is not impressed. Michele is going to go and plop people over the head when he finds out why the phones have stopped working.

Alan Greenberg: Oh. So you're not really talking to us now?

Michele Neylon: I would be more happy - I'd be happier if you could just take over for a few minutes, Alan, if you don't mind?

Alan Greenberg: I will...

Michele Neylon: I'll be back momentarily.

Alan Greenberg: I will keep on doing that then.

Michele Neylon: All right thank you.

Alan Greenberg: So is that position acceptable to all or does anyone object to that? I don't see trying to have an in depth conversation right now and I think if we were to come to closure it would require something close to an in depth discussion so I'm happy just to present both and go from there. Luc says yes. No one else says no. We have a decision. Marika, what else do we need to do? Since I didn't think I was chairing this meeting I wasn't paying as much attention as I should. Go ahead.

Marika Konings: Yeah, this is Marika. I'm not aware of any other issues or comments that people have submitted with regard to the recommendations or the report. So from my perspective I think the next step is for me to make the changes that we discussed today, the two corrections that Kristine suggested including the level of consensus, expected impact, adding these two options in relation to the settlement and specifying that these are, you know, open for community input and further consideration will be given to those as part of the next step in this process.

And then basically get that back to all of you for final review. So I think that brings us to probably Item 3 and that's the question on how much time do people need to review the document and send any further edits or comments you may have back.

My proposal there would be that we set next Wednesday as a deadline which would then give us Thursday to discuss any items that may have come up as part of people's review of the report which would then basically get us on time to publish the report and open the public comment forum on the 15th which is next Friday.

Alan Greenberg: And I presume you're implying doing a consensus call at the same time on the recommendations.

Marika Konings: Right the idea would be that I produce like a clean version of the report that can go out and basically say well at this stage we're calling this consensus; if anyone objects to that, you know, let us know as soon as possible basically.

Alan Greenberg: Yeah. Sounds good to me. Everyone else comfortable with that? The deadline - the publication deadline is the 15th is it not?

Marika Konings: Yes that's correct.

Alan Greenberg: Okay so that gives you a tight turnaround but essentially unless there is something major structural that comes out of it there shouldn't be a real problem doing that. So I think we're good on this point. So I think we've just done Number 3 then.

What else do we have on today's agenda if anything? I have one item but we'll...

Marika Konings: Yeah, this is Marika. For...

((Crosstalk))

Marika Konings: On Item 4 for the next meeting we actually have - if we stay at the same time as we currently are the UTC time at least we're in conflict with the GNSO Council meeting. So the proposal would be to actually move it to 1400 UTC which I believe actually means for people in the US it's actually at the same time as it's now as you're already changing to Daylight Savings while I think for those in Europe it actually means the call will be an hour earlier. I don't know if that poses any significant problems for anyone? I don't see any red Xs.

Alan Greenberg: I'm not likely participating regardless so it doesn't matter to me. Michele, are you back?

Michele Neylon: I think my geeks have managed to thump things sufficiently so I'm not back in again normally.

Alan Greenberg: Okay.

Michele Neylon: But you're doing a wonderful job, Alan. Please continue.

Alan Greenberg: I was about to call for adjournment since I don't think we have a lot more to do today.

Michele Neylon: Oh wow, I'm impressed; you're much more efficient than I am. Marika, you have your hand up, go ahead.

Marika Konings: Yeah, and if I can just add one more thing because as some of you may know there's actually a gap of like three weeks where I think we're out of sync between the times in Europe and in the US because of the, you know, change of the hour.

So the proposal would be then if we need further calls following next week because in principle of course we're hoping to finalize our work in the next week but we may need another call maybe to prepare for the session in Beijing, to leave it also then at 1400 UTC which basically means that after Beijing when we reconvene we're actually back to our normal time because by that time both Europe and the US will have changed and we're - should be back on our regular hour.

So I hope - we're hoping that it won't be too confusing and we'll make sure, as well, to put in great big bold letters what the different times are for everyone. But please keep an eye on that and hopefully we'll get enough people on the call and not people showing up late or too early.

Alan Greenberg: Well, Marika, that brings up the question, are we actually going to be meeting in the interim? If the report issued do we have anything to do on the 21st and 28th?

Marika Konings: Yeah, this is Marika. I would think that we may need one meeting to prepare for the session. But it's something, as well, we can possibly do online because I think the idea would be, you know, prepare a presentation and, you know, possibly reach out to some of the stakeholder groups and constituencies to make them aware of the session.

But, you know, we can maybe determine at next week's meeting whether we want to have a meeting for that or whether it's something we can do via email.

Alan Greenberg: Yeah, I think in general your past history says you prepare a draft presentation and a number of people make some minor comments on it so I'm not sure we need a meeting for that but I'll leave that up to our chair.

Michele Neylon: Sorry, you're offering me a choice to do something? Oh my God. What was my choice?

Alan Greenberg: Oh whether we need a meeting to discuss - to talk about preparations for the Beijing meeting.

Michele Neylon: I would say no.

((Crosstalk))

Michele Neylon: I would say no. I mean, look, people, come on, we all work in an industry where email and other things are pretty much in use all day everyday. If we cannot coordinate something simple like a face to face meeting in Beijing then there's something seriously wrong and we should all just give up. But that's just me. Marika, you have your hand up again I believe.

Marika Konings: Yeah, this is Marika. Actually we have some time now we may - we can talk now about the Beijing meeting because I think one of the questions may be on how to manage the presentation. Because I think the idea would be to present the initial report and it may be a nice idea to have several working group members possibly present part of our recommendation so it really, as well, shown to be a, you know, consensus position.

So I think the question would be then, you know, who is willing and available to do so? And then as well it's just then the question of breaking down the topics and making sure, as well, that there's a - there's sufficient time for people to ask questions and give feedback.

Michele Neylon: Okay. In terms of time, Marika, I mean, how long is the slot we have? Is it an hour and a half or two hours?

Marika Konings: This is Marika. It's their standard and hour and a half, 90 minutes.

Michele Neylon: Okay. Right. Now I know - okay I will be in Beijing, you will be in Beijing. Alan will be in Beijing but might be tied up. Luc will be in Beijing I believe; Volker is

in Beijing. Laurie isn't in Beijing. Kristine isn't. There's a few other people I think - I know who are. I mean, there should be enough of us there to do whatever is required.

Now something - the kind of thing we've done in the past at this kind of - oh wait a second so it's Thursday from 9:00 to 10:30. When is the gala? That's Wednesday is it?

Marika Konings: Yeah, it's - normally it's on Wednesday evening.

Michele Neylon: So why do we get to be the ones who have a meeting the next morning after the gala assuming that the gala is any way good we'll all have hangovers. That's just cruel; cruel and unusual punishment.

Alan Greenberg: It just means there's no one around to criticize what we're doing.

Michele Neylon: No don't worry, there will be. If this call wasn't being recorded I'd call them out by name but then when they listen to the recording they'll know we were talking about them or at least suspect that I was and they're paranoid anyway.

Okay so ideally then, based on what we've done at this kind of juncture in the past and unless somebody has a huge issue with it I assume what we would do is we would do a kind of variation on the update that we will be giving to the GNSO Council at the weekend and then open it up to questions. And I assume that's what would make sense.

I mean, unless somebody has - unless I'm missing something. Marika, am I missing something?

Marika Konings: Yeah, this is Marika. It probably would be the same but I guess for this session we'll have more time so we may want to go in a bit more detail and

especially I think emphasize those areas where, you know, we're looking for community input.

Michele Neylon: Well that's what I was going to say. I mean, fine, I mean, what I would - I mean, much as I love the GNSO updates I do find that some parts of them are kind of - what's the word I'm looking for? They're just not terribly exciting.

So if we could try to kind of focus on the bits that people might actually care about more than the bits that people don't particularly care about and by that I mean the - any kind of proposals and the potential impact bits as opposed to a list of, you know, things that have happened in the past, you know, the history lesson part.

Does anybody else have any suggestions or thoughts or input or crazy ideas? Does anybody disagree with this apart from Marika who I know is going to disagree with me just to disagree with me. She's out to get me today, I can tell. I'm paranoid. Marika, go ahead.

Marika Konings: No, this is Marika. I'm not disagreeing or criticizing. I was actually just wondering if there's going to be any of the UDRP providers present in Beijing because I think it would be good that we have - if possible have a balance between, you know, the different parties involved in this. I know Kristine is not attending but I don't know if any of her colleagues or anyone from WIPO will be there that will be able to participate?

Ty Gray: Yes, this is Ty from WIPO. I'm just confirming I'm not going to get to go but my colleague, of course, David will be there along with (Joanne Tang) who will be also there. So we'll have two from WIPO.

Michele Neylon: Okay.

Marika Konings: Okay thanks.

Michele Neylon: And we just heard from NAF that NAF will not be attending. Okay anything else on this? Anything further? Alan, go ahead.

Alan Greenberg: I have something further but not on the report and not on the meeting.

Michele Neylon: That's quite okay.

Alan Greenberg: All right in that case I would like to take the opportunity to tell everyone in case you haven't heard that Marika is now the lead policy person on the GNSO. Margie has gone over to Strategic Initiatives. And Marika has assumed that position. ICANN doesn't seem to deign to tell anyone about it but I think we should congratulate her.

Michele Neylon: We should. We have a round - maybe we should wait until we're actually in Beijing and we can give her massive round of applause and everything.

Alan Greenberg: Well but we can do virtual applause here.

Michele Neylon: Yeah okay.

Alan Greenberg: I meant on the Adobe screen.

Michele Neylon: Oh sorry, damn it. Damn it.

Michele Neylon: Yeah, how do I do - so how do I do virtual blushing? I'm not sure there is a button for that.

Alan Greenberg: There's no virtual blushing but we'll just assume it.

Michele Neylon: Yes we know you're modest.

Marika Konings: Thanks.

Michele Neylon: So now that we kind of have this image in our heads of Marika sitting somewhere in Brussels with a great big red face on her. Anyway - oh and here's the smiley emoticon from the dropdown list.

Yeah, so, Marika, just on that point then does that mean that David Olive is the next person above you then or how does that work?

Marika Konings: Yes, David Olive is my manager.

Michele Neylon: So previously who was your manager?

Marika Konings: Margie.

Michele Neylon: Oh okay so you've moved one step further up the pecking order.

Alan Greenberg: She's now the new Margie and therefore the new Liz twice removed.

Michele Neylon: So confusing. I hope they gave you a pay raise, Marika.

Marika Konings: I hope so too.

Michele Neylon: And you can tell David I said that. And don't worry when I do see him I'll tell him myself because I do think that some of the - a lot of the ICANN staff do stellar work and have no lives because they're doing stellar work and they should be compensated accordingly. That's just me though. Far be it from me to make any judgments on this.

Right okay then any other issues or other things that anybody wants to raise at this juncture? Okay then as you're all nice and silent I will give you back about 8.5 minutes of your lives. Speak to you all - sorry I don't actually know what you decided in my absence since I was being phone-challenged. Are we having a meeting next week?

Alan Greenberg: We are having a meeting next week. I'm not likely here and we will probably not have any other meetings until after Beijing is what we decided.

Michele Neylon: Okay thanks. Sorry about the phone things. I've now been told why my phone disappeared. Seemingly our peering apps at the Irish Internet Neutral Exchange one of our peering points flapped, to use the technical term. Bye-bye. Talk to you all soon.

Alan Greenberg: Take care. Thank you, Michele.

Michele Neylon: Bye.

Marika Konings: Thanks, bye.

Nathalie Peregrine: Thank you, (Sam), you may now stop the recording. Thank you very much.

END