

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 25 March 2013 at 16:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-d-20130325-en.mp3>

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

Attendees:

James Bladel – RrSG
Chris Chaplow – CBUC
Avri Doria – NCSG
Kristine Dorrain – NAF
Kevin Erdman – IPC
Rob Golding - RrSG
Angie Graves – CSG
Volker Greimann - RrSG
Barbara Knight – RySG
Bartlett Morgan - NCUC
Bob Mountain - RySG
Mikey O'Connor – ISPCP
Holly Raiche - ALAC

Apologies:

Paul Diaz - RySG
Alan Greenberg – ALAC
Michele Neylon – RrSG
Jill Titzer - RrSG

ICANN staff:

Marika Konings
Lars Hoffman
Julia Charvolen

Julia Charvolen: Good morning, good afternoon, good evening. Welcome to the IRTP Part D Working Group call on Monday 25 of March, 2013.

On the call today we have James Bladel, Chris Chaplow, Avri Doria, Kristine Dorrain, Volker Greimann, Barbara Knight, Bob Mountain, Mikey O'Connor, Holly Raiche, Bartlett Morgan. We have apologies from Alan Greenberg, Paul Diaz and Michele Neylon. And from staff we have Lars Hoffman, Marika Konings and myself, Julia Charvolen.

May I remind all participants to please state their names before speaking for transcription purposes? Thank you very much and over to you.

James Bladel: Thank you, Julia. And it's good to see that Marika is on the call even though she doesn't show up in the Adobe chat. I guess that means she's lurking, watching us from the shadows there.

But welcome everyone to the IRTP-D working call for March 25. And per our usual order of business can I ask if anyone has any updates to their statement of interest please raise your hand in the Adobe chat room or speak now please.

Hearing none we'll move on to the adoption of the agenda. These were submitted - the agenda was submitted by Lars earlier to the mailing list and appears in the right hand column of the Adobe chat room. Any comments, suggestions or changes to the agenda? Okay great.

So I think we missed last week just because we had multiple conflicts and a number of key individuals were unable to attend. We certainly wanted to, I think, be a little further down the road by the time we were departing for Beijing however, you know, I think some reality is smacking us in the face a little bit because this group got started so close to that particular meeting.

However, I think we can still make some progress here. As Mikey might say, we can dispense with the appetizers and administrative stuff and get right to the meat and potatoes of some of these issues. And I see he is pulling up his super awesome mind map.

So we have started discussing the charter questions for this particular group. And I think we left off with Charter Question B. And I'm wondering, Mikey, if you can refresh my memory since I missed two weeks ago how far along we got on A or B. Do we need to start at the beginning and review A and B or can we just dive right in with B or is that too rough of a segue? What are your thoughts?

Mikey O'Connor: This is Mikey. I wouldn't mind taking us through the conversation. I think there were a lot of people who weren't here for it. So let me just take a couple of seconds to replay the bidding from the call and then we can go on to Number C. That way if there are things on people's minds we can tack them on.

The first question was Question 0 which people were saying maybe we should take a call and do some sort of background session on IRTP and the TDRP just to sort of bring us all up to speed. And so we rattled off some ideas about that.

And then the two questions that we looked at were A and B. And here what we were puzzling about a bit was has anything changed since this question was posed back in 1836 when the IRTP discussion began. And so we thought maybe adding something to the stakeholder conversation about that might be a good idea.

And then on the second question the focus of that conversation - the question was whether additional provisions should be included in the TDRP and how to handle disputes when multiple transfers have occurred. Again these are old questions and there's been a lot of conversation and action since then.

But one of the themes that came out of that was whether this would be a good one for some data clearly anonymized, scrubbed kind of data but data nonetheless. That was sort of it for the first two.

So if this surprises anyone or if there's anything that they'd like to add this would be a good time and then otherwise I'll hand it back to James and we can jump in to the third question.

James Bladel: Thanks, Mikey. I don't - any thoughts? I don't see any hands in the queue. You know, I had some basic fundamental questions regarding really this Item B that probably ties back into A is really how common is this? You know, I don't know if that's part of what we can say about getting data.

Mikey O'Connor: Yeah, that was really the theme.

James Bladel: Yeah, okay, all right.

((Crosstalk))

Mikey O'Connor: Yeah and so I'll just add that in, you know.

James Bladel: Okay. And I think that Bob Mountain I believe - not to put you on the spot, Bob, but I think you raised that question as well if memory serves.

Bob Mountain: Yeah, I believe that's correct, yeah.

James Bladel: At least I'm hearing that question in your voice so...

Bob Mountain: Yeah, yeah, no absolutely. I think that's - I do think that's important to - I'm sorry, this is Bob. I do think it's important for us to ask the question up front is to what extent it's a problem. And to what extent we can quantify it I think that's a great, you know, foundation point for our - for the exercise going

forward. And I'm happy to volunteer to be involved in structuring that if we decide to do a questionnaire or something like that.

James Bladel: Okay definitely we'll probably take you up on that and appreciate the offer. And really what I'm thinking here - I see Marika has her hand up; we'll go to her in just a minute.

But really what I'm thinking here is that I think we determined in IRTP-B that TDRP was just really not used to handle any urgent or emergency hijacking type scenarios so would this really apply? Because what it seems like it's describing here is a hallmark of those types of hijacking. So I wonder if this is - if we're crossing our wires here a little bit.

But anyway I'll go to Marika first and then Barbara. Marika.

Marika Konings: Yeah, this is Marika. Sorry for joining a bit late. But just to share with you when I was researching this question for the issue report, you know, diving into the IRTP archives from many, many years ago I actually had great difficulty in finding any additional information apart from the actual question on how, you know, how to handle disputes when multiple transfers have occurred.

I wasn't even able to find what was actually meant with that question. And we've assumed - or when writing the issue report I assume it indeed meant, you know, transferring one domain name registration several times. But I guess you could even interpret it different ways, you know, because you have disputes at the same time for one registrant for different domain names, for example.

So again I think it's a really good point to try to find out some more information on this as, you know, I wasn't able to do so as part of I think the initial discussion that actually put this question into the mix of things.

James Bladel: Now that's interesting. Thank you, Marika. Because I think we just assumed we were reading it in one direction but it could be - it could be interpreted to be somewhat ambiguous.

So Barbara.

Barbara Knight: Thank you, James. This is Barbara. I mean, I can speak from our perspective and the experience that we've had here at VeriSign. And it's not often that we see these anymore. It seems like a while ago there was a situation where we were seeing a lot of transfers of three-letter domain names.

And in that particular case we were seeing what we call domain hopping or, you know, from one registrar to another so there was a fraudulent transfer and then there may have been, you know, subsequent legitimate transfers that occurred after that as it relates to the same domain name.

We kind of coined the phrase, you know, kind of call it domain laundering because it's almost as though, you know, people are hijacking the name but then, you know, they're trying to cleanse it by passing it through a bunch of other registrars legitimately.

So we haven't seen it a lot. Obviously I don't have numbers off the top of my head as far as, you know, how often we've seen it. But - and there's so few that actually make it to the registry operators for review as a request for enforcement anyway that, you know, the number that we have is pretty limited. But we've not seen this in quite a while.

James Bladel: Okay thanks, Barbara. And domain laundering is what we've called it as well because I think that's definitely what they're trying to do; just like cash they're trying to disguise its origins. And I think that that is an important point. Going back to one of the things that I mentioned originally maybe in this particular type of hijacking scenario the laundering would complicate or confound the registrar's attempts to work together to resolve the transfer.

Maybe the only appropriate mechanism to deal with that would be the registry since, you know, while it may hop 20 different registrars it's always going to be with the same registry obviously so that's a good information there.

Chris, you're up next.

Chris Chaplow: Yes thanks. There's a couple of examples I've seen recently where a domain was, well, one where a domain that had been awarded to somebody in sunrise was hijacked and appeared in the aftermarket, appeared on (Sudow) for sale.

I recognized what it was, that it had been a hijack and contacted various people. And it was - the sale was blocked until it was sorted out. But it did occur to me what would have happened if that had been - if the domain had been bought and it's transferred again.

And another case of I've got at the moment - I won't repeat it but it's the same sort of thing where it has been transferred to a third party. And that does make it very complicated.

I don't know what the solution is but it does occur to me that when this was written and the aftermarket wasn't as mature as it is now and I think it's now the scenario is probably more common or plausible or easy for it to happen that it can be hijacked and then sold on very - much more quickly perhaps than it would have been before.

So maybe we're looking at a scenario where we've got mechanisms in place that didn't exist when this was written. Thanks.

James Bladel: Thanks, Chris. And I think I agree with you that a lot of these things did not exist - or let's say a lot of these things predate the growth of the aftermarket or the secondary market.

Volker, how are you sir?

Volker Greimann: Thank you, James. Very good. I hope you are as well as well. What I was thinking is that we took care of a lot of this in the IRTP-C already by not only requiring the 30-day wait period after a transfer but also implementing it for an owner change as well.

And due to the times involved in transferring a domain name from registrar to registrar and then again I think the problem has been already very much reduced. I certainly haven't ever seen one - a case where we heard about that.

James Bladel: Okay. Thank you, Volker. I know that we may have addressed some of these with some of the proposed changes from IRTP-C. I think that we may consider - and this could get back to my original question is how is TDRP being used today? Do we have sufficiently viable alternatives or are there some cases like in the case of laundering where only the TDRP can fix the problem?

And if so how frequent is that or how prevalent of an issue is that or is this a, you know, as Bob was pointing out, is this a black swan type of a scenario where it's just, you know, 1 in 100,000 or something type of event but you have to have a special mechanism because when it occurs nothing else can fix it or something like that.

You know, I'm just putting these things out here as just ideas of what we need to understand is the scope of the TDRP and its utility in the current environment.

Barbara is up next.

Barbara Knight: Thank you, James. This is Barbara. So, I mean, I think it is reduced but I think that given that the statute of limitations for filing a dispute is six months there is potential that it could happen again that even with the provisions that we put in place for IRTP-C.

So I can speak from our limitation - and I know our supplemental rules we specifically indicate that if it looks as though there - and we have a place for not only for the registrar who is filing the request for enforcement to - obviously they're completing it, they would be the filing registrar and then there's a respondent registrar that's the registrar to whom the domain name was allegedly fraudulently transferred and then who the current registrar of record is.

So from our perspective, you know, we're obviously going to be looking at whether or not the transfer from Registrar A to Registrar B was fraudulent. But to the extent that a different registrar is currently managing it regardless of, you know, if there were like even a couple of other hops in between before it finally ended up at its current resting place at the point in time that the domain was I guess added to a request for enforcement and filed with us.

You know, one of the first things that we'll do is once we get the request for enforcement is we'll go ahead and lock the domain name so it cannot be transferred further. But then we also would then notify the current registrar that we have received a request for enforcement relating to a domain name that is under their management.

So in that we do reserve the right that if we discover that the domain name was fraudulently transferred from the first registrar to the second registrar, you know, we basically put them on notice that we could be pulling that domain name back and giving it to the filing registrar.

So that kind of gives you an idea of how, you know, we at VeriSign have implemented, you know, the TDRP portion of that relating to situations where

there are multiple transfers before, you know, in that statute of limitations in which the request for enforcement can be filed. So I don't know if that's helpful at all or not.

James Bladel: I think so. And I don't mean to put you on the spot, Barbara, but I think, speaking for myself, I think it would be really helpful if in our discussions of Question B if we could have some sort of a process diagram of your current practices and how that looks. Is that something you would be willing to take on?

Barbara Knight: I can definitely look at that, yeah.

James Bladel: Okay because I think that there's - I don't trust, you know, reading - necessarily just reading the transcripts and understanding. What you just said I think was both important and also a lot to digest just verbally. So if we had something like that I think it would be helpful.

Barbara Knight: Okay. Yeah, I'll try to put a summary of that together for the working group.

James Bladel: Okay. And then the second question would be, so you're saying there's situations where I'm a registrar - I'm the caboose; I'm at the end of the line of all these transfers. And you would come up to me and say hey, registrar James, I have to take this name back because although the transfer inbound to you was legitimate and you, you know, obtain the FOA and all the necessary authorizations, three transfers ago this name was hijacked.

And therefore everything after that - or everything downstream from that incident, you know, is invalidated. And I think that would be an interesting scenario. And it would be real interesting to see how that plays out in the real world and whether or not registrars say okay I understand, you know, I certainly wouldn't want any pushback or any guff if that happened to one of my customers or if registrars say no I did everything I was supposed to do; why should I, you know, why should VeriSign have the ability to do this?

And it would be just more of an interesting case study I think for my understanding.

Barbara Knight: Right.

James Bladel: Chris.

Barbara Knight: This is Barbara. Is it okay if I just kind of...

James Bladel: Sorry.

Barbara Knight: ...jump in there again?

James Bladel: Yeah, sure please.

Barbara Knight: I mean, obviously it has been a while since we've seen one of these types of cases. But, you know, my recollection is that, you know, because we do publish our supplemental rules out there and the supplemental rules are within the registry operator's purview to basically say this is how we're going to administer the transfer dispute resolution policy part of the IRTP.

You know, it's almost as though if you have a, you know, a Com or a Net or a Name domain name and you're bound by the IRTP then, you know, indirectly you're also bound by the registry's implementation of the TDRP process as the first level of dispute resolution provider.

So I don't recall if we've actually had to pull one back from a third registrar. I can look into that and see. But believe it or not - and I don't recall - like I said it's been quite a while - I don't recall actually getting a lot of feedback from any registrars that we've had to provide.

And granted we don't provide them any detail on what the specifics are relative to the dispute that's been filed, we just let them know that the domain names - one of the domain names (unintelligible) the domain name that's under their management is subject to a dispute.

So, you know, from that perspective, you know, I don't recall seeing a whole lot of feedback. And I can double check to see how many times we've actually had to pull a name back from a third registrar that actually happened to be managing a domain name that was found to be fraudulently transferred.

James Bladel: Okay thanks. And just one other thought - and it occurred to me while you were mentioning this that I think we need to make sure - because I know that you're representing a number of registries on this and Roy and Paul are not on the call.

But anything that we would discuss we should probably keep in mind that there's probably the VeriSign, you know, I think like for example the RFE that you mentioned is a VeriSign-specific provision as opposed to a gTLD-specific provision. Is that correct?

Barbara Knight: Actually an RFE - a request for enforcement - is under the TDRP - the transfer dispute resolution policy.

James Bladel: Okay.

Barbara Knight: That is a standard term. So...

James Bladel: Okay.

Barbara Knight: ...that exists for all...

((Crosstalk))

James Bladel: ...you were - some of the things you were discussing I think might be centric only to VeriSign, correct?

Barbara Knight: The supplemental rule...

James Bladel: Yeah.

((Crosstalk))

Barbara Knight: ...each registry operator can put in place their own supplemental rule so it may be worth our while to take a look at, you know, and I can have some conversations with Roy and also Paul and some of the other registry operators to see, you know, kind of where they are - and I don't know if they're willing to share them. I know we hold ours pretty tightly. You know, we obviously have them available for registrars.

But, you know, I can see what information I can get relative to other registry operator's implementation and of their transfer dispute process. So let me see what I can find out because you're right, I mean, how we do it could be very different from how any of the other registries do it.

James Bladel: Okay thanks, Barbara.

Barbara Knight: Sure.

James Bladel: Hello, Chris. You're up next.

Chris Chaplow: Thank you, yes. Following the same trail of this and the scenario where there's a hijack from Registrar A to Registrar B and then a registrant has then purchased the domain in good faith and it's moved to Registrar C, I would be interested - it's sort of like an extra dimension from the registrant's point of view of then it's discovered and it's all too late what are the implications?

And it's almost a legal opinion. And I'm not a lawyer so I can sort of think about it. But we could almost do with adding in a legal opinion on it and what would the registrant do and how would they ever begin to start to recover the monies that they spent on this domain which then could be taken away from them. What would their recourse be? So it's just an extra dimension to that - the last point we've been following. Thanks.

James Bladel: It is and I agree that it's an important point, Chris. Don't know that it's - well I'm not sure that it would fall into ICANN's lap to address some of those things because it sounds like that would be something that would go to court. But, yeah, I think it's - I think Kristine pointed something out there. This is true in the general case.

I put myself in the queue really more as a bookmark here to remind us that we need to move on to some of the other questions. But I'll go to Volker next and then we'll wrap up on this particular Charter Question B. Volker.

Volker Greimann: Actually I just wanted to cut into the same groove that Chris just mentioned. As - and it will be very difficult for a registrar or even a registry to determine if the secondary transfer was a transfer in good faith or another attempt at domain laundering.

And I certainly would hate to be faced with the situation where I as a registrar would be forced under the policy to return a domain name to someone who has lost it over a year ago and then face damage claims from my customer or the registrant at the time that we transfer it back because he would be entitled to that because he was, at that point, already under German law or any other law the legitimate owner of the domain name having purchased it in good faith.

James Bladel: Okay thank you, Volker. Yes, I think that that is part of what Chris was discussing. And I think it is a very real and important consideration. I think it is

also worth wondering what, you know, worth discussing what ICANN's role would be in that scenario if any.

So if we could move to Question C so that's a good conversation, everyone, and thank you to Mikey for, I believe, very judiciously capturing all of that stuff while our conversation was roaming on those various topics so thanks, Mikey, for capturing all that and organizing it on the fly.

But if we can move on to Item C, whether dispute options for registrants should be developed and implemented as part of the policy. And I think that there question here is really talking about not creating a new mechanism necessarily.

But my understanding is this is giving registrants access to the TDRP mechanism directly as opposed to requiring them to work through a registrar because I believe that you could also then make the case that if a registrant raises the concerns - says, hey, registrar, I'd like to initiate a TDRP and dispute this particular transfer that the registrar then has the ability to say yeah, this looks fishy; I'm with you, I'm going to go ahead and launch this procedure.

But the registrar could also conceivably say no this looks legitimate or no, you know, this is not something we do or not a service we offer or not something we normally get involved in. So it is possible that the fact that there is this middle layer involved, you know, that it could be a decision point and not just a relay.

On the other hand we really don't have any - many functions, I think, in the gTLD space that allow registrants to interact directly with registries. So let's put this up for discussion. I see we have Kristine - is it Kristine, am I pronouncing it correctly?

Kristine Dorrain: Yes, thank you. It's Kristine Dorrain. And I'm with National Arbitration Forum. And we are one of the TDRP providers that is not a registry. And I wanted to just throw out there just for statistics or data that we get probably three to five inquiries a month from people who say their domain name has been stolen or hijacked in some way and that they want to try to get it back through the UDRP or the TDRP.

A lot of the registrars will tell their clients who say oh the domain name - my domain name was stolen. They'll say oh well you have to use the UDRP to get it back. And then they call us up and we say well, you know, do you have a trademark? And they say well no, it was just a domain name. And we tell them, you know, you're probably going to lose a UDRP in that case if you don't have a trademark.

And they say what options do I have? And I said well you need to get your losing registrar to do a TDRP for you. And they'll say well we tried and they won't do it. So I would say, you know, three to five on average a month of registrants who have lost a domain name and have no recourse to get it back because the registrar will not, you know, on their behalf, institute the dispute policy with us.

And I don't know, you know, how many times they will go to VeriSign or whoever else. But I just wanted to throw that out there as sort of a statistic.

James Bladel: Okay, Kristine. Thank you. And that is interesting. My question - follow up would be do we know why the registrars would say no to a registrant requesting a TDRP? Is it because they're not aware? Is it because they're recommending the wrong thing, UDRP. Is it because they...

Kristine Dorrain: I don't...

James Bladel: ...you know, they don't think it's part of their business to do this or...

Kristine Dorrain: Well I think part of it is - I think it's a couple different reasons from what I've understood is that they don't understand it and they don't really know what the process is about or they don't want to go through it or the hassle of gathering the data and everything that they need to do to make it happen.

But honestly I think part of it might be the cost. You know, we charge about \$1100 for the TDRP dispute whether it's an appeal or a request for enforcement. So it could be - and it is a loser pays system but they may not want to pay. I've suggested to registrants that they offer to pay the fee themselves but maybe the cost is too much, I don't know.

James Bladel: Interesting. And then I think that raises the question of should they be starting with the provider at all or should they be, you know, I think in the current state of things they'd start with the registrar but even then it seems like the next logical step would be the registry as opposed to the provider. But, Kevin, why don't we go to you and...

((Crosstalk))

Kevin Erdman: Yeah, I just wanted to - yeah, this is Kevin Erdman. I wanted to comment. That was very helpful information from Kristine. I think the basic difficulty for the registrant is that most of the contractual relationships that a registrant has with its providers do not cover that scenario so that the registrant who loses the domain name doesn't have a, you know, there's not a contractual responsibility between the service provider and that registrant that had its domain hijacked.

And so they can either say well, gee, we're going to sue you because you lost our name and see how far that gets them. But that's really, you know, counterproductive to what they really need which is, you know, to have some mechanism for the cooperation of the registrant and the various service providers to try to remedy their situation.

And it may be that there are a lot of folks out there that have the legal capabilities of hopping on it and doing what the registrant would want. But there's probably a lot that don't. And it makes sense to me to make this - make the IRTP a little more flexible by providing another avenue for a registrant to try to jumpstart the process.

Because it's really - it's counterproductive if the only thing they can do is say well if you, service provider, aren't going to help me on this then I'm going to, you know, I'm going to have to sue you and that certainly doesn't, you know, start the process right on a good (unintelligible). So that's my two cents.

James Bladel: Thanks, Kevin. And I'm thinking - just thinking through a little bit of what you're saying. So you're saying it's possible that there could be a scenario where the registrar - the registrant is both suing their registrar service provider but also relying on them, depending on them to be kind of act in their behalf in this process?

Kevin Erdman: Yeah, yeah, definitely. I mean, that's - the way the IRTP is set up is it's between the, you know, the registrant doesn't have a direct participation. So the only way that a registrant can do that is ultimately sit and tell the service providers well you're in breach of your obligations to safe keep my domain name and therefore, you know, my only remedy, if you won't cooperate is to sue you.

And, you know, that's just a - you know, maybe the better solution is to require all, you know, domain service contracts to have that sort of chain of command where the registrant has the ability to compel the other party. But that doesn't seem to be quite as feasible as just letting the registrant be able to enter into the transaction itself.

James Bladel: Okay thank you. And so it seems like where we're headed with this is this idea that a registrant could file their own TDRP sort of a parallel of UDRP. Am I paraphrasing that correctly?

Kevin Erdman: Well yeah, I think that we have to give a mechanism for the registrant to participate. I think there is a potential danger of creating a dispute between a registrant and this - wherever the hijacker is and not involving the actual, you know, service providing (train) that was involved in the process. And ICANN has the ability to link those all together.

So I think one solution could be we just say the registrant can start the process and then we need to figure out by the registrant starting the process what do we need to compel the other organizations to do to facilitate that resolution.

James Bladel: Okay thank you, Kevin. Barbara, you're up.

Barbara Knight: Thank you, James. This is Barbara. So, you know, while I don't think that it's a bad idea to allow registrants to be able to initiate transfer disputes the concern that I would have would be to authenticate the registrant because I know we're kind of an anomaly; we are a thin registry so we don't have any registrant data in our databases nor do the second level transfer dispute resolution providers have information relative to who a registrant is.

So one, you know, trying to figure out is it a legitimate registrant? I almost think that, you know, to the extent that a registrant can go to either a registry operator as the first level dispute resolution provider or a dispute resolution provider at the second level I think that there would have to be engagement back to the registrar of record in order to be able to actually initiate it.

And, you know, since, you know, this is a consensus policy registrars are technically required to comply with it. So if a registrar is not opening up a dispute on behalf of their registrant then, you know, they obviously aren't providing the level of services they're supposed to be under the policy.

So I think that, you know, it may be, you know, fine for the registrant to be able to come directly to the dispute resolution providers. I think that, you know, at the end of the day we do have to look back with the registrars as well and really find a way to encourage them to provide, you know, provide the service and open up a request for enforcement with the - with either the first or the second level dispute resolution providers at that point.

James Bladel: Okay thanks, Barbara. So that's interesting. One of the things I was kind of taking in listening to your description as well as some of the things we were hearing from Kristine and Kevin was that if we were to allow registrants to file this directly similar to a UDRP outside of the registrar then, you know, I think that it's certainly one avenue to go.

But we should be aware that doing so would probably mean a - and I haven't looked at the TDRP process but we would probably have to reengineer that whole thing because now it has a new start point and a new owner of that process as opposed to the way it's currently written which is, you know, which is registrars initiating with registries.

And so there's the potential that we would have to start with not quite a blank page but the TDRP would be significantly modified whereas, you know, I think that Barbara raises a different approach which is if we were to compel registrars to, you know, relay those requests, k or remind them if they already are compelled that might be a simpler approach without requiring a rewrite of that process.

But I think that raises the question - and I think Mikey has it as one of the ones he's captured there on the mind map which is why are they refusing? If it's because they don't know or because they think they can't or if it's a lot of work or whatever, well that's one thing.

But if they have a legitimate - if registrars have a legitimate reason that they don't want to entertain every TDRP request that comes through them or if

they have a process for evaluating the legitimacy of those requests then I think that that's something that we need to discuss and we need to take a look at because I think while some segments might reflectively assume that registrars are going to always take the path of least resistance I think, you know, it may be the case that they have a legitimate concern here.

So I think those are the questions on the table for these - this particular question, B and C. Okay Marika is in the queue. Go ahead, Marika.

Marika Konings: Yeah, this is Marika. One additional question we raised in the issue report for - in relation to this specific charter question is whether the working group should also consider, you know, how or if or whether the TDRP should be modified to accommodate disputes that may occur under the new policy for change of registrant.

It's something I think we actually didn't really consider as part of the IRTP Part C discussion but I think it's a very valid consideration that, you know, will either emerge as part of the implementation related discussions or maybe something that can already be addressed as part of these discussions.

Because indeed if there is going to be a modification or rewrite of the TDRP, you know, we may also want to consider, you know, some of the new elements that are going to be introduced and how they would factor in here as, you know, there may be situations indeed where there can be conflicts with regards to, you know, change of ownership or registrant changes so that might be another element that would need to be factored into this discussion.

James Bladel: Thank you, Marika. I agree. And I think I see Mikey trying to tuck that in here under one of these questions. But I'm looking through this and one of the thoughts I'm having - and I put this out to the group for a discussion - is that that issue that Marika raises might be overarching enough to warrant its own issues - charter question.

Because we've made so many changes to the transfer process since, you know, as a result of IRTP-B and IRTP-C does, you know, does that change the nature of the TDRP? Does the TDRP now affect things like change of registrant? But could it affect other things like - well probably not (TEAC) but other types of things could be open for dispute now because they are now part of this revised transfer process.

I don't know the answer. And I think that, you know, it could be something worth discussing as an undercurrent to all of these charter questions or at least most of them. So thank you, Marika.

The queue is clear. Did anybody else want to weigh in on this question - Charter Question C? Okay so let's see if we - oh, Marika. Sorry, jumped the gun.

Marika Konings: Yeah, sorry. This is Marika. I was just too late putting up my hand. But just pulling up the TDRP, you know, following your comment because basically what it does say that the TDRP and corresponding procedures will apply to all domain names for which transfer requests are submitted on or after the effective date of this policy.

So that's then, you know, in the preamble it does talk about the IRTP but here, for example, it doesn't specify whether that's transfer between registrars or registrants. So again maybe the way it's currently written it could already accommodate as well the other parts of the policy.

And as I said maybe it's something that will - that's probably something that will come as well as part of the implementation consideration. But maybe it's something the working group may want to have a look at or factor in and, you know, if any changes are going to be made or recommended, you know, it may be helpful to do that all together factoring indeed, as you said, some of the other changes that have been made recently and making sure that that's covered.

And, you know, we don't come up with something that addresses maybe one point but then we need to have another PDP to address other elements that would need to be considered or factored in.

James Bladel: Yeah, thank you. I think that that's a good point especially I think TDRP seems to anticipate one of the recommendations of IRTP-C which was to start making distinctions between transfers - between registrars and transfers between registrants and of course the scenario where both are changing at the same time.

Okay so can we then take a look at Item D? We have a few minutes here. I wanted to save the last 10 minutes for a discussion of the slides for Beijing. But if we can take a look real quickly here at Item D. And if we start to get a queue here then maybe we'll postpone this one until our next meeting.

But whether requirements or best practices should be put into place for registrars to make the information on transfer dispute resolution options available to registrants. And I don't get this last part. Penalties for IRTP violations. I'm not really sure what that means.

Anyway I think what this is saying...

Mikey O'Connor: This is Mikey...

((Crosstalk))

Mikey O'Connor: ...sorry to butt in on you, James. But that was something I transcribed in from the charter. I couldn't figure out a graceful way to do it but that confused me as well so I stuck it in here just to force that confusion and ask Marika what that meant. That penalties for IRTP violations was sort of a standalone part of the charter right below that charter question.

And I didn't know if it went with that charter question, if it was a separate question, what was meant by that so I just crammed it in. Back to you, James. Sorry.

James Bladel: Oh no, it looks like Lars has his hand up actually. Maybe he wants to answer. Lars.

Lars Hoffman: Yeah, I'll give it a go. It's actually, I believe, the headline, if you want, for the - for Question E the same way that need for FOAs is the headline for Question F. I just put a space in between there now to kind of make that a little bit more clearly.

Mikey O'Connor: Thanks, Lars. I'll fix that as we go.

James Bladel: Thanks, Lars. And thanks, Mikey, for fixing that. I mean, what I'm hearing here with this particular question is disclosure. So how does a registrant know what mechanisms are available to them particularly if the registrar has implemented registry-specific procedures for raising TDRPs.

So I think - I think this is something that we could take a look at as far as what are registrars currently doing and what - you know, I think more information is always better but as we've discovered in previous PDPs - and Alan is not currently on the call this week, he sends his apologies, but he was involved in a PDP where we were wrestling with certain disclosure type things and reminder emails.

And I think that the challenge, of course, is to put something front and center so that registrants can read and understand and have access to the information that they need without overloading them with, you know, 68-page documents full of technical language that starts to look like, you know, like the terms and conditions that start to give everyone headaches and they just click through without looking at it.

Or what we call, you know, the iTunes agreement syndrome where everybody just clicks so they can get the latest update. So we're trying to obviously split the difference between those two extremes.

But I don't see a queue on this one yet. And we only have a minute left. So my recommendation is this is where we pick up next time is Charter Question D. And that will give us a few minutes here to review the slides. So thank you, everyone, who contributed and thank you, Mikey, for mapping our minds.

Okay, Lars, wondering if you could put the slides up in the Adobe room if you have the ability to share those while I introduce them. And, folks, for those who are new every PDP working group that is currently underway provides an update to the GNSO Council at ICANN meetings. And this is something that Marika has done for us I think very astutely for a number of years.

And this is another one of those cases - however I think the torch is being passed to Lars so I imagine Lars will be riding shotgun on this particular update. But I don't think there's anything controversial here. I have reviewed these with Mikey and Lars and Marika.

Mikey, I didn't know if you had any - I didn't see anything from you so I assumed you were okay with the edits that I submitted?

Mikey O'Connor: Yeah, I'm fine.

James Bladel: Okay. So let's run through them real quickly here. Nice graphic on Slide 1. Slide 2 provides a few bullet points on background. I think we all have individual scroll control here.

Marika Konings: Yeah.

James Bladel: Okay. Talks about the consensus policy then it talks about the series that we're in. And I hope the councilors don't ask my opinion about that because they'll get an earful. But, you know, we live in the world that we have, right?

Then there's a sentence here a little bit about the charter and how we came about some of the additional issues not only for this working group but there was supposed to be also I believe an IRTP-E which was folded into this working group as well as one extra issue that was identified and slotted in here by the IRTP-C working group. So that's kind of a mouthful but that's what that bullet point is getting at.

And then finally on just the background of what the Council last did as their involvement. Next slide discussed just an overview of the charter questions without diving into each one individually or explicitly. Anyone see anything - I mean, those are a summary so you may not see them word for word reflected in our charter.

And the next slide just a summary or an overview of membership and this being a Registrar or an Inter-Registrar Policy I think we see that it is Registrar-heavy in terms of membership but that's mainly because it's an operational type of a working group.

Next slide talks about our accomplishments to date. We formed a working group in late February. We worked on a work plan and adopted that. We finalized our input requests and those were sent out a week ago. And that we are currently assessing our charter questions.

We may want to add in there that - I feel like there was one other thing that we did as far as an accomplishment but - nah, must not have been important.

The next slide looks at some of the tentative deadlines that we've established for ourselves. I think we could probably maybe add one or two more but

these are just driven directly from those orange-highlighted areas in our work plan.

So that's it for the slide update. I'm thinking it's less information in slides and bullet points and most just a skeleton that will prompt further questions from Council and initiate a conversation or engage with individual Council members that have any questions.

And our Council rep, I believe, our Council liaison is Volker, is that correct?

Volker Greimann: Yeah, that's correct.

James Bladel: Okay so hopefully, you know, you now had a preview on this from both sides, from the working group side and from the Council side so it won't be a surprise. And if there are any questions or if they want to request any further information or clarification on this then we'll come prepared to Beijing with that.

Okay. Any - I just ran through those kind of quick and dirty. If anybody has any edits maybe we can set a deadline by - I don't know, Lars, what do you think? If we said close of business - end of day tomorrow for any final edits, otherwise we'll just consider this adopted. Does that sound reasonable, Lars?

Lars Hoffman: Yeah, that - that's fine by me, absolutely.

James Bladel: Okay. So hopefully that sounds - and I'm seeing some green checks so, yeah, I don't think there's anything either earth-shattering or controversial in here. So - and of course anyone who is in Beijing during the Council update - I don't know if we have a slot on the GNSO agenda yet. Probably it would be Saturday. But we'll post that to the list when we have it.

And of course any member of the working group that wants to attend this session, sit in there, raise your hand, let the councilors know what you think,

let us know how much you love us or hate us or whatever, you know, we'll make sure that that opportunity is available for everyone.

Okay we have Lars in the queue and then we have one announcement about next week's meeting. So go ahead, Lars.

Lars Hoffman: Just very quickly the meeting with the Council is confirmed at the moment for Saturday at 1430 to 1500 hours Beijing time. It's also on the right and the Point 3 on the agenda on the Adobe Connect.

James Bladel: Oh, thank you. So if I had read our own agenda I would have known that so I apologize for that. So it looks like 1430 local time on Saturday in Beijing. I don't know how many folks - maybe we can real quickly - how many folks using green checkmarks, plan to be at the Beijing meeting?

Angie Graves: This is Angie and I'm not on Adobe Connect so I'll just chime in that I'm unfortunately not going to be able to attend.

James Bladel: Okay. I see a pretty solid group. Rob's going to be remote. Okay, Volker, I think you'll have to be there so...

Volker Greimann: Yeah, no way around that.

James Bladel: Barbara, any plans?

Barbara Knight: No any participation I'll be doing will be done remotely.

James Bladel: Okay, Barbara will be remote. And Kevin, remote as well? Yeah, maybe Kevin's off the audio. Kristine, looks like remote as well.

((Crosstalk))

Kevin Erdman: Remote possible.

James Bladel: Okay. So we've got, you know, we'll have maybe half a dozen folks there so that's good. And so that'll be good. And, you know, if you - if you get in - I know a lot of folks tend to arrive on Sunday, which means they'll be in flight on Saturday while we're giving this update. But if you're in town and you're not too sleepy feel free to stop by and join us in our update.

The final thing, and then we'll give everyone their time back, is that due to the Easter holiday particularly those countries I think primarily in Europe and some other areas that extend the Easter holiday through Monday we will be canceling our next call on April 1.

So that is - that means that this is essentially the last time we'll see each other until we're on the other side of the world or at least for me on the other side of the world.

So, you know, I guess that - if you have any - I guess the action items here would be there were a couple I think for Barbara. And then there was one for anyone who had any last minute items for the PowerPoint slides and otherwise we would just kind of reconvene this group in China.

And, Avri, no I wish it were but it is - we're hearing a lot of folks saying that it's going to be a very sparsely attended group especially the European members. So any other - oh, the joke was a joke, okay, so it was very (unintelligible) you went kind of over my head with that one, sorry.

Any other thoughts or updates, folks, before we adjourn? Okay thanks. Yes, Mikey, we are too earnest and sincere. We fall for that stuff every time.

Mikey O'Connor: Oh well.

James Bladel: Okay everyone so have a great holiday for those of you that are having holidays. And for those of you who are traveling stay safe and hopefully

everyone's visas are in order and as we discussed at the top of the call if you have respiratory issues or allergies, you know, you might want to look into some of those dust masks because the new reports coming out of Beijing are not good. But otherwise it should be a fun meeting and I don't mean to sour it for those actually trying to make the folks who are not coming feel better. So have a great week and we'll see you in China.

((Crosstalk))

Mikey O'Connor: Thanks all.

((Crosstalk))

END