

**ICANN  
Transcription  
IRTP Part D Working Group meeting  
Monday 20 May 2013 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 20 May 2013 at 15:00 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-irtp-d-20130520-en.mp3>

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

Attendees:

James Bladel – RrSG  
Kristine Dorrain – NAF  
Barbara Knight – RySG  
Mikey O'Connor – ISPCP  
Jill Titzer – RrSG  
Bartlett Morgan – NCUC  
Chris Chaplow - CBUC  
Simonetta Batteiger - RrSG  
Kevin Erdman - IPC  
Holly Raiche - ALAC  
Bob Mountain – RySG  
Alan Greenberg - ALAC

Apologies:

Avri Doria – NCSG  
Michele Neylon - RrSG (standing weekly apology)  
Rob Golding – RrSG  
Volker Greimann - RrSG  
Graeme Bunton – RrSG  
Oliver Hope- RrSG  
Paul Diaz - RySG  
Angie Graves – CBUC  
Marika Konings - ICANN Staff

ICANN staff:

Lars Hoffman

Gisella Gruber

Operator: Excuse me. I'd like to remind all participants this conference is being recorded. If you have any objections, you may disconnect at this time.

You may begin.

Gisella Gruber: Thank you very much, (Tammy). I'd like to welcome everyone on today's IRTTP Part D working group call on Monday the 20<sup>th</sup> of May.

On today's call we have James Bladel, Kristine Dorrain, Barbara Knight, Mikey O'Connor, Jill Titzer, Bartlett Morgan, Simonetta Batteiger, Holly Raiche, Bob Mountain, Alan Greenburg.

We have noted apologies from Avri Doria, Michele Neylon, Rob Golding, Volker Greimann, Graham Fountain, Oliver Hope, and Paul Diaz.

From staff today we have Lars Hoffman and myself, Gisella Gruber.

I hope I haven't left anyone off the roll call.

And if I could also please remind you all to state your names when speaking for transcript purposes.

Thank you very much. Over to you.

James Bladel: Thank you, Gisella, and welcome everyone to the IRTTPD PDP working group call for May 20<sup>th</sup>.

Just a couple of quick announcements here. I note that today we have a number of apologies, and my understanding is that there is a - it is a holiday - banking holiday somewhere in the world. Is it maybe a European thing?

Also, my wife...

((Crosstalk))

Man: (Unintelligible).

James Bladel: I'm sorry?

Alan Greenburg: Canada if nowhere else.

James Bladel: Canada as well? Okay.

And then my wife pointed out to me, which I was completely oblivious to is that next Monday is a holiday in the US, so all of our US'ians will probably see a rash of apologies.

I'm willing to go forward. I don't know about - I can't speak for the co-Chair or any other members here. But if there's sufficient participation from folks outside the US, I'm willing to go forward.

Oh, and UK as well. Thank you Gisella.

So I guess we'll tentatively schedule for next week and see how we do as far as if we can achieve a quorum. And if you know by Friday it looks like we're just not going to get critical mass, then we can cancel the call. So - but we'll see - we'll play it by ear I guess for the rest of the week and see how we go.

And then one other announcement. Prior to the call, there was a note posted to the list by Michele Neylon of Blacknight. I spoke with him this morning. Just due to his commitments elsewhere in ICANN and of course his day job, he's going to drop into a - more of an inactive role or passive role I think is what we call it where someone participates in a working group but really is

monitoring the list and just participating in document editing, but doesn't attend the weekly calls.

So we will certainly miss his charm, wit, and insights on a weekly basis, but hopefully we haven't lost him entirely as far as the working group list. And anybody who knows Michele knows that you know the guy just doesn't sleep as far as everything he has on his plate. So if we can help lessen his load there, I think that's a good thing.

So with that said, let's jump into Item Number 1. Does anyone have any updates to their Statement of Interest?

Okay. Seeing none, can we then move on and ask if anyone has any comments or suggested edits for our draft agenda that was circulated on the mailing list earlier and appears in the right-hand column of the Adobe chat room?

Okay. Seeing none there we'll consider that adopted and we'll go forward.

So we are continuing with our review of community feedback, and it looks like we do have a solid response and discussion going up to looks like Page 5, I think we can get through this not only today but in the next few minutes here optimistically, and then we can move on to some of the other data and documents that have been circulating on the mailing list. We don't want those to get too far down the road to where we forget why we asked for that data.

So I think you know, if we can't - it doesn't look like we're going to pull out of these comment reviews, then maybe we put that on pause. I'm just proposing here that we would maybe put that on pause and then go back and circle back to this once we've reviewed those documents.

But for right now, I think we can continue with Lars. It looks like we left off with Comment Number 7, is that correct, and we're now on Charter Question D?

Lars Hoffman: Yes, it's correct. Absolutely.

James Bladel: Okay, great.

So Charter Question D asks for certain requirements and best practices be put in place for registrars to post information on dispute resolution options and what's available to registrants. And Number 7, coming from the BC, in the interest of consumer protection, the BC recommends establishing requirements to publish information pertaining to transfer dispute resolution options available to registrants.

I would note here that the charter question seems to position an either/or question of requirements and/or best practices, so I guess an and, but the BC is focusing on this being a mandatory requirement. So let me take a queue on that question or that response if anyone has any thoughts on that.

Quite group this morning. Mikey?

Mikey O'Connor: Thanks James. It's Mikey.

I guess I just wanted to chime in and say that I think this is sort of along the lines of some of the other recommendations we've made in the intervening time in other working groups like PEDNR and so on, where we're sort of steadily, you know, expanding the list of things that registrars publish to help consumers of their services sort of navigate the tricky bits.

And so I'd support this. You know, I don't think it's terribly onerous. I think it sort of goes into that same pile of stuff that make it easier for people to know what to do in the right place. And I think the other thing is that in - as with

many of the other things, we are hoping that by publishing this information we'll also reduce the errors that are happening and so on and so forth. So I'm okay with require on this one.

James Bladel: Okay, thank you Mike. I put myself in the queue but will defer to Bob, unless you'd rather have the last word, Bob.

Bob Mountain: (Unintelligible)...

James Bladel: There you go.

Bob Mountain: I - James if you like, I'm happy to defer to you if you'd like to continue and go first.

James Bladel: Oh, well I was just going to weigh in as a registrar. I'd imagine you might do the same thing.

But go ahead, Bob. I'll put myself at the end of the queue here as just more of a placeholder. Go for it.

Bob Mountain: Okay, yes. Thanks James.

I guess - this is Bob Mountain. Not really - since our registrar operations aren't as sort of customer-facing as probably other people on the call, I was somewhat surprised that they're not - the transfer dispute options are not available to a registrant. If that's the case that they're not at all available, (unintelligible) having some kind of published information to a registrant, I guess it's sort of an open question in an outward effect how I'd feel about the particular charter question. That's all.

James Bladel: So this is James, and this is speaking in a registrar capacity.

I think that we're kind of going back to Charter Question C a little bit here, where we have TDRP and it is acceptable and available for registrars, presumably to invoke that process on behalf of their registrant customers.

But whenever we make something available to registrars, then we're assuming that they're offering it down the line and I guess the question on the table here with Charter Question D is that they're not offering it, then what would they publish?

You know, I - so I think that this Charter Question D does tie to Charter Question C in some respects. However we land on that will determine how we respond on this one.

I do want to point out that I am in favor of full disclosure. I think I do kind of come down on Mikey's side of the equation here. Where that disclosure goes however is still I think a fair question. From a registrar perspective, we certainly don't want to have ICANN - a consensus policy driving notices and asterisks and fine print all over our Web pages so they start to look like - you know, when you see a prescription medication advertised on TV in the US, it's ten seconds of ads for the prescription and then 50 seconds worth of disclaimers about the - you know, the side effects or something like that.

I think - you know, I certainly hope that we would show enough restraint where we wouldn't go down that road and we would put this - maybe this (phase) is more appropriate in the registration agreements that we're already required to enter into with registrant customers. Or maybe, it belongs in the rights and responsibilities document that's already out there.

You know, I don't know. I do think that when we - I agree with Mikey. It does not seem very onerous to disclose what it is that we're offering and allow registrants to make an informed choice. But also you know, want to be consistent across all of these working groups that we're putting all this

important information in an accessible and easy to reach and easy to find location.

So that's just my two cents there, and I can see that the queue is now proliferating, so I'll drop out here and go to Alan.

Alan Greenburg: Thank you.

First I want to point out that there's some curious wording in Answer Number 7 that the BC is saying that registrars should publish options available to registrants. Now right now, the transfer options is not available. The dispute option is not available to them.

So I don't know if they're saying that deliberately or not. Mikey said something wider I think. That is they - registrants should be aware of - you know, of the options even if it's not their call. I think that's what Mikey said, which I tend to agree.

In other words, obviously if we make a recommendation that registrants should be able to initiate a dispute, they have to be told about it. I think that's perhaps intuitive. But I would suggest that even if they can't be the initiator, they should be told that's one of the processes that might go forward and at least they can lobby with their registrant - registrar to do that should there be some narrative.

So I...

James Bladel: So Alan, just to clarify...

Alan Greenburg: ...would go a little bit farther than the exact wording of the BC answer, and I think that's what Mikey implied too, but I'll defer to Mikey to say that.

James Bladel: Alan, if I - and we'll ask Mikey to clarify. But if you could clarify as well. But even if the registrar does not offer, and is not required to offer a particular dispute mechanism to its customers, it should still publish what exactly?

Alan Greenburg: That this is a mechanism the registrar might -- sorry -- might exercise.

The very fact that we're considering whether it should be extended to registrants or not implies registrants have an interest in it happening, or might have an interest in it happening. And therefore, (unintelligible) something that's hidden from them, even if they - even if we end up saying they don't have the right to initiate it.

James Bladel: So - okay. So I'm just trying to play this out in my mind Alan.

Alan Greenburg: Okay.

James Bladel: I'm not trying to be a Devil's Advocate or anything. But so if there is a dispute mechanism like TDRP and it is optional for the - it is at the registrars discretion whether or not they want to initiate that, that they should publish to the registrant that this mechanism exists for this particular purpose, but it is at the registrar's discretion whether or not they will initiate it with the registry.

I mean in that scenario, is that how you see this being...

Alan Greenburg: That's right.

And this is something I think is fine buried in the registration agreement. It's not something that you want to have flashing red signs on you know, at ever registration.

Remember, we're looking at a dispute mechanism which is rarely used. It's - and we'll get tail end effects.

James Bladel: Okay.

You referenced some of Mikey's comments, so I'm going to put the queue on hold and give deference to the co-Chair Mikey. Would you want to respond?

Mikey O'Connor: That's why I stuck my hand up. This is Mikey.

Alan Greenburg: And there's also an answer by Chris in the chat we may all look at. Thank you.

Woman: Yes.

Mikey O'Connor: Oh, yes. Chris is - I think the BC statement was general and not specifically limited in scope. And what I was going to do is point us back to the charter question where it says registrars - to make information on transfer dispute resolution options available to registrants. So I was indeed thinking of a more general thing irrespective of the outcome on C that says, you know, you've got other choices too.

You could sue people. You can send a request to ICANN. But I think that you know, it's in the make this already established information more readily available to registrants that's the goal here. And I think we're sort of agreeing on that.

I don't know if in the registration agreement's the best. I kind of like James' idea of rights and responsibilities better, but you know, I don't want to get bogged down in all that.

James Bladel: Okay, thanks Mikey.

We'll go next to Holly.

Holly Raiche: No. I was just going to pick up the rights and responsibilities and ask - well, we've got a document that is - does comment on what is in the sort of registrant's rights and responsibilities document that's part of the you know RAA documentation.

What about in there? You have some general requirements that's indeed what is you make information available on transfer dispute resolution.

And then picking up Alan's point, it's - was the information is - is it available or not, or is there just some statement in the particular registrant's - the registrar's document on - at least on the transfer dispute resolution option that's available. Can that just be put into the registrant's rights and responsibilities statement that's out there?

Thanks.

James Bladel: Okay, thank you Holly.

Bob, you're up next.

Bob Mountain: Yes, thanks James. This is Bob Mountain.

Yes, I guess the - is there a concern that by exposing registrant's options further that we're creating, you know, a significant increase in workload that is currently being handled well a different way and it's good.

Although, I can't think of any other reason why we wouldn't want to expose registrant's options other than you know, if we're going to be - you know, if - adding significantly to the registrar workload in a way that's unnecessary.

But otherwise, I would say it just seems you know to position it to a registrant, "Here are your options," just seems to be you know reasonable, so...

James Bladel: Thanks, Bob.

And just to reflect I think where the conversation's going. I think that's correct. I don't know that anyone knows what it would do to overall workload, but I think - you know, so long as we're not giving the registrants the wrong impression of options that are available versus rights that they have, I think you know everyone's agreeing it's just more of a question of where does it go.

And I think to Alan's point in the chat and to Holly's point, the team - like if it's - if we come down on Charter Question C that it's a right that they have, then maybe it goes in the rights and responsibilities. But if it's just an option, then maybe it goes in the registration agreement.

I don't know that we've settled on that, but I think that it sounds like more information and disclosure is always good.

Simonetta?

Simonetta Batteiger: Yes.

James Bladel: Simonetta, I think you may be on mute.

Simonetta Batteiger: So I have a - sorry.

I just got an email this week from one of our customers who happens to be in China whose name's got (axed) and he wanted to dispute the whole thing, and the names are now at GoDaddy, and the person was absolutely clueless as to how to go about the whole process.

So I think having some information available at a registrar how you do this - like who you contact. People don't even know who to get in touch with. They're trying to contact their registrar. They don't know is that the right

person to talk to because they're realizing my name is not even at my registrar anymore.

They don't know who within the registrar to contact. They get tossed around. So some information for registrants as to what to do when you think that your name's not transferred and this is not what we wanted to have happen would be very helpful for the user.

Because right now, it's not easy to find this information and people are struggling with it. So having something written up that says, "You know, here are those five steps that you should explain to your user," and you can do this either in an FAQ or you can put like a little link somewhere on your Web site just that your required to have a Whois lookup as a registrar and (unintelligible) people to do.

So at least when something happens, you know what the process is as a user and you don't have to deal with a customer care agent at your registrar who might not even know what to do in that case.

James Bladel: Okay, thank you Simonetta. And if you're still having issues with that particular name, let me know offline. We'll see if we can get you talking to the right folks.

Alan?

Alan Greenburg: Thank you.

I completely agree with what Simonetta just said on you know a how to if you're in that kind of situation. That's the kind of thing I strongly support.

I just want to comment on why I said the registration agreement may be the right place for it. And those who know me will find that very uncharacteristic

because I'm normally pushing for everything to be clearly and blatantly available.

In this case, I don't think I would want to see a right thing. You have the right to pressure your registrar to try to convince the registrar to initiate a dispute. You know, and that's what it really comes down to. So awareness that it exists should be there somewhere. I'm not sure I would list that at the right, unless of course we actually make it a registrant, right, in which case it definitely goes there.

So you know, this is one of these gray areas where I think it should be - it's - I don't think the registrar should be completely silent on the existence of that path, but I would go - I would be careful about making it - listing it as a right.

That's all. Thank you.

James Bladel: Thank you, Alan.

Mikey, you want the last word, or you can go ahead now.

Mikey O'Connor: I'm sorry. This is Mikey.

I was just going to respond to Alan's point. I think he's right, but I'm racking my brain. We recommended in IRTP something or other an ICANN-maintained neutral page filled with good information about something.

How about that for narrowing it down.

And I think I was...

James Bladel: I think PEDNR.

Mikey O'Connor: What?

James Bladel: Or...

Mikey O'Connor: Maybe it was PEDNR.

Anyway, I think that model might be a better one. Rather than putting it directly into rights and responsibilities, because I agree with Alan. If it's not a right, we shouldn't put it in there.

And so again, the actual destination, I don't care. I'm a little edgy about putting it in the registration agreement just because when you're in the heat of the stress, that's probably not going to show up very well in a search, so you know it's like what would be lovely is if you could type in to search, "My domain's been transferred. What can I do," and have it actually respond with you know a page that was credible and had correct information.

So I'm quibbling about where, but I think we're tending to all agree that we want to get this out in a good place. And I also agree with Alan that it only works if it's a right.

And the other options, lawsuits, et cetera, don't really fall into rights and responsibilities. I don't know. Anyway, that's a rambling.

James Bladel: Thanks, Mikey.

I'd like to weigh in if I can not only as a registrar, but also as a participant in the RAA negotiation team that drafted the 2013 RAA, and in particular as the individual who did the bulk of the drafting for the rights and responsibilities document that's contained in that RAA.

Which first off, I wanted just to say for the record that I think it's not really a great - I think it's a confusing name for that document. I think I wanted to call it the registrant benefits in the RAA statement or something along those lines,

because I think it was confusing with the other rights and responsibilities document that was drafted by the community.

But anyway, it does state in here that you aren't - that you, "Registrants are entitled to accurate and accessible information about," and then there's several bullet points, one of which being the customer support services offered by your registrar and proxy services provider and how to access them.

And then another one is how to raise concerns and resolve disputes with your registrar and any privacy service offered by them.

So it sounds like we're already saying that - you know, that some form of - even if it's not in the registration agreement or in the rights and responsibilities agreement, I think where Mikey was going is that it should be part of that general support and resources that are made available to registrants in the care and feeding of their domain name registration and how to contact support resources and how to engage them.

I don't know that - and I think Mikey you were kind of hinting at this as well. I don't know that we want to - or that I would be in favor of saying anything about you have the right to sue us, or other registrars, or ICANN, or whatever. I think - you know, that's always implied in any commercial agreement, right, if you're not happy with the outcome. And certainly, I don't think it needs to be explicitly stated.

But overall, I think we're all kind of coming down in the same place. It's just a matter of what are we going to say and where are we going to say it. But I think everybody agrees that something needs to be said.

So I'll drop there and go to Simonetta.

Simonetta Batteiger: Well I have a question really. I'm wondering if you - if there's people on the group especially registrars who feel that it shouldn't be the responsibility to follow-up with a concern like this from their customer, who should be that entity?

And if now a registrant can really only go to a registrar, and that registrant - for example, this Chinese customer would have not much luck going to GoDaddy directly because they don't speak the language of the registrar the domain is now at, and I'm not so sure how well versed the GoDaddy legal team is at speaking Chinese.

So really, your only chance at that registrant is to go to the entity that you have a business relationship with, which is your registrar. Now if that entity is not required to do anything for you, not even making information accessible on what you can do through them and/or if they're not willing to help you, who you can go to, to ask for help, then you're really leaving that registrant in a very unfortunate spot.

And, that I don't think is the intent here. I mean, that person should get some help. And really, the only reasonable entity that could help them is their registrar, as far as I can tell. And maybe then have some information available if that registrar does not respond, does not help you, or whatever you feel like you want to appeal to something, then I don't know if that should go to ICANN or if it should go to the registry.

But right now, this person is not available - is not able to really find out what to do, and that is not a very good situation.

James Bladel: Thank you, Simonetta, and I agree. It seems like we're trying to find that line between helping, and supporting, and providing information without crossing the line and offering any guarantees of outcome. And, I think we've found ourselves in that position before.

So Barbara?

Barbara Knight: Thank you, James. This is Barbara.

So just kind of moving down to 8, which is the registry stakeholder group comments on this particular item, and you know a suggestion I think that it is helpful for registrants to have some guidance as to where to go in the event that you know they feel that there you know is a dispute to a - you know, a domain name that they have claim to.

And I think that we were looking for - you know, to the extent that there are best practices, we also felt it was a good idea. And we thought that perhaps, you know, the implementation of the best practices could be you know really as simple as putting a link on the registrar's Web site that kind of goes back to you know a common place where you it could all be listed at the ICANN site and maintained there.

I don't know if that makes it a little easier. I know ICANN has done quite a bit of work you know of late to provide more information on transfers and you know, the process and all of that. And, I'm wondering if it makes sense to just you know kind of couple it in and - in that section and put it there so that it makes it a little bit easier to maintain.

James Bladel: Thanks Barbara.

And just for clarification because I missed where specifically would it go? On an ICANN site?

Barbara Knight: Yes. I'm thinking that you know, ICANN has already done quite a lot to provide information out there on their site relative to you know frequently asked questions as well as a link to the transfer dispute resolution policy. So it seems like you know perhaps in that (unintelligible) they could put you

know, the additional best practices. You know, if we can all agree upon what best practices should be put there.

And that way, kind of take a little bit of the burden off of each of the individual registrars and you know they would still have an obligation to put - and this is just what we were thinking to try to easily (unintelligible) this out and have it be consistent. To just put a link which would go back to that area, where it is on the ICANN Web site, to those best practices relative to you know disputes and handling I guess any inquiries relating to transfers that may come up by a registrar - or to your registrant, pardon me.

James Bladel: Okay, thank you. I think that's - yes. I mean that's one option and it's starting to look like a pretty good one because it's a centralized location that can be modified and registrars are already required to link to it.

I wonder if we could get any stats from ICANN, if they would even be willing to share how frequently - how many unique visitors that document receives on a monthly or yearly basis. I mean, that's maybe more of a side thought for myself.

But okay, so there's been a couple of points back and forth here in the chat. I do see that queue is clear, so I would like to just kind of bring this one in for a landing before we move on to Number 8, which is a very dense comment.

And then, I would propose that before we move on to Number 9 that we pause the community review to take a look at some of the TDRP statistics that have been circulating on the list, and I haven't seen too many comments on them recently. But, I don't want to go too much further down the road before that data starts to get stale and we wonder why we asked for it in the first place.

So let's take a look real quickly here. Barbara kind of teed us up here for Charter Question Number - I'm sorry, Response Number 8, which is from the

registry stakeholder group. And again, pointing out that this was submitted in response to the preliminary issues report (unintelligible) the comment period.

So the registry stakeholder group commends ICANN on the steps taken to provide information to registrants on the transfer process in the form of information on their Web site, including frequently asked questions, and one of which includes a link to TDRP.

The registry support best practices and perhaps requirements for making information on how to initiate a transfer as well as transfer dispute options.

Most registrants should know who their registrar is, so registrar Web sites would be a logical place for registrants to - would go for answers to questions relating to transferring the domain name.

It is the registry stakeholder group's opinion that information for registrants on how to file a dispute should they feel that their domain name was transferred without their authorization or if the registrar of record is prohibiting the transfer of the domain name for reasons there's direct conflict with IRTP also be included.

Implementation of agreed upon best practices could be as simple as requiring all registrars to provide a link on their Web site to best practices that could be hosted and maintained by ICANN.

So this is I think what Barbara was referencing. This is kind of where our discussions were leading as well. I think that a couple of things if I can unpack this, and I'm looking for Barbara of course to smack me if I go off course a little bit. But - or kick me under the virtual table.

But it looks like the differences here is that the registry stakeholder group are leaning towards best practices, but they're not opposed to requirements.

Most registrants should know who their registrar is, and that is actually part of the RAA registrant's rights and responsibilities.

I have - surprisingly, there's quite a number of cases where registrants do not know who their sponsoring registrar is.

And let's see. Where that would be a logical first step to go to, I think as we mentioned, registrars are required to link to the ICANN rights and responsibilities document. So having some mention in that document would fit with what the registry - what I believe the registry position to be.

So any other thoughts on this? It's a pretty lengthy and - there's a lot of information contained in this comment. But I do believe that it is a - it jives with a lot of what we're saying in our discussion of Comment Number 7.

Unless someone sees anything particularly novel or unusual on this one, I think that we can say it's a re-emphasis of what we already discussed.

Bob?

Bob Mountain: Yes, I'd say on balance I'm in agreement with everything that Barbara's written or the registration stakeholder group has said here.

The one question I had is it references best practices, but authoring and getting consensus on those best practices, is that deferred to the implementation team, or - how is those - how is that document actually built and finalized and agreed upon?

James Bladel: Yes, that's an excellent question, Bob. And, I think that one of the reasons why - and if I can editorialize here in my response. I think one of the reasons why best practices are frequently held up as an alternative, but rarely adopted or embraced in a serious way is because we don't really have that

second step mechanism where a group of registrars is going off and drafting a document that is a - not part of consensus policy, but is a best practice.

I think that - I know that in the industry it's - particularly with regard to transfers, that a lot of the larger registrars and a lot of active after market registrars have worked together to come up with different - I don't want to say procedures, but at least some shared and common protocols that they would use at least to get the conversation started about how to address or resolve inadvertent or fraudulent transfers.

But I think that the other side of that coin is that there's always going to be those registrars who don't participate in ICANN, don't participate in the registrar stakeholder group, and therefore aren't aware or just flat out disregard whatever best practices are developed there.

So I guess - I don't know if that answers your question. I think that one of the things that maybe registrars could do going forward is to you know build up some confidence in the idea of best practices, because I think there's merit there. I just don't know that the follow-up legwork has ever been achieved successfully.

Mikey?

Mikey O'Connor: This is Mikey. I just - I wanted to jump right on that same train, James, and refer us back now to registration abuse policies working group where one of the recommendations that I don't think - can't remember the status of this in the GNSO.

There was a recommendation to do best practice development with an eye to developing a process by which best practices could be developed in other fields for other topics in the future. It was a recommendation that came out of RAP that I don't believe got out of the starting blocks in the GNSO. I'd have to go back and look.

But the reason behind that recommendation is the same - is the thing you just said, James, which is that there isn't really a mechanism to do this. And you know, I would be quite delighted if we picked this as one to do as pilot and maybe do it in an implementation review team context rather than full-blown.

I think one of the reasons the Council did not want to pursue doing best practices is because it fell outside of the PDP and it got very complicated in terms of chartering it. And so maybe with a simple stroke of moving this into the implementation review cycle, or the implementation review team cycle or something like that, we could figure out another avenue to get this done. But I think it's - it would be very helpful if we could.

James Bladel: Okay, thanks Mikey. And I don't disagree.

You know, I would point out though, and I think maybe I was being unfair to my colleagues a little bit. You know, if there's one area that has the - I'm going to speak out as a registrar here for just a moment.

If there's one area that has seen I think some solid and tangible progress in the area of developing and enforcing best practices as an industry, I think it is - has been around the idea of domain name hijacking and transfer abuse.

I think most of the registrars here would agree that you know we've set up - we now have the necessary industry context so that the large registrars, and the very active registrars both in ICANN and you know in the primary and secondary markets know who to contact in the event of a dispute and know what information they're going to be asked to provide.

So you know, I think Mikey you're right. It's not that there's not this kind of overarching you know, mechanism to do best practices, but I think that you know, here's one area where we have had some success, just as a registrar stakeholder group.

But you're correct. I mean as you note in the chat that you know this is still very uneven. And you know when you get outside the larger providers or the more recognizable providers, then it becomes a little more challenging and the bad guys who steal domain names know exactly which registrars do not adhere to those best practices.

So anyway, the queue now is clear. Does anyone else have any final thoughts on let's call it Charter Question D7 and 8?

We've got about 15 minutes left in our call for today, so I wanted to see if we could ask Lars to queue up the - I think we have a few emails, and actually was there a spreadsheet that was sent, Lars, or a Word document that was - you were kind of consolidating?

Or maybe I'm mis-remembering.

Lars Hoffman: Yes, this is Lars. Sorry, I was on mute. I couldn't find the button.

And yes, there is a mind map that I'm still trying to work with Mikey so to make it interactive for everybody. So it's only (unintelligible)...

((Crosstalk))

James Bladel: Is that fully baked yet? Is that something we can share or does that need some more time for...

Lars Hoffman: Yes. I'll pull it up. You can have a look. I'll pull it up.

And then there is also this, which is coming up right now. This is the data - sorry, I'm unsynching. This is the data that I collected from the different providers ICANN compliance (that VeriSign) is out. (Unintelligible) - I don't think I can share two at the same time.

This is the mind map which is basically the document from before, only in maybe easier to see in - as a single overview with different colors. Red being compliant. Blue being VeriSign. And then the couple at the bottom are the TDRP providers. And the yellow boxes are the relevant regulations that the TDRP prescribed in their second (unintelligible) circumstances.

So do you want me to leave this one up, or you would like me to put up the Word document again?

James Bladel: Well, it's a good question. I think we could probably - this one looks - the mind map looks like it's got a lot in it. Maybe we can just run through the other document fairly quickly and then dive into this one, which I think would substantiate the other one, correct?

Lars Hoffman: Yes, that's correct.

James Bladel: Or is it the other way around?

Okay.

Yes, I think this one's good. I like where this is going. I always like colors. Anything we can do to untangle some of the very dense topics that we dive into.

So for those of you who were in Beijing or participated remotely, we were treated to a very in-depth report from ICANN compliance regarding their specifics on transfer disputes. So we can pull up this document here and we can take a quick look as we run through here that - you know, as we've discussed many times that the IRTP, the transfer function is the single largest driver of complaints to ICANN.

And, I think we've got some stats here that demonstrate that about - you know, a little more than 40% of those were considered to be invalid, and about 58% - well, less than 60% were considered to be valid, and a small fraction of the valid complaints were - am I reading that correctly? A small fraction of the valid complaints were related to unauthorized transfers and domain names or something of what we would I guess traditionally call hijacks?

Lars Hoffman: This is Lars.

Yes, that is correct. So if you - I put up this small diagram at the bottom right, it's of the green stuff. It's only the very small black line that is related to the two charter questions, and the others are IRTP related, but not related to hijacks.

James Bladel: Yes. So we're definitely in the long-tail territory here, right, just by looking at that pie chart.

Okay.

And then of those, it looks like - maybe you can help me understand the distinction between email or other hijacking versus unauthorized transfers. The difference between the red and the orange.

Lars Hoffman: Yes, this is Lars.

I believe if I recall it correctly from the report it's that hijacking is for somebody stole the email address and pretended to be a certain person by using that email address; whereas unauthorized means that somebody with a completely different unrelated email address just tried it out and was successful.

James Bladel: Okay, thank you.

Lars Hoffman: Does that make sense?

James Bladel: Yes, it does.

And - okay.

Mikey O'Connor: James, this is Mikey. Let me...

James Bladel: Yes, Mikey, I was going to turn over to you. Go ahead.

Mikey O'Connor: Actually, the unauthorized transfers, the one that we ran into where we have contention between the registrant and the admin contact going on. So I think the orange one was the hijacking - the classic hijacking; whereas the red one is where it's a known - it's a person known as part of the contact records of the domain name that is overreaching and using their authority inappropriately.

It's not - I just wanted to correct the impression that Lars gave that somebody's sort of trying a random email address. I don't think that's the case. I think it's somebody who is in fact listed as a contact for the domain that's inappropriately transferring it.

James Bladel: Okay.

So we're saying that orange is essentially a legitimate, for lack of a better word, theft of a domain name registration by impersonation or deception, whereas red is a - just a more sincere dispute between two parties who are known who both believe that they should have access or should control that registration.

Mikey O'Connor: Right.

James Bladel: Does that make sense, Lars? Does that jive with what you...

Lars Hoffman: Yes. I think that makes sense. Absolutely.

James Bladel: Okay. Okay, thank you.

Any other comments on the two pie charts before we move down?

Mikey, go ahead.

Mikey O'Connor: This is Mikey. I think that the - I would be cautious about the long-tail depiction of this. I think what this shows is that there are lots of things that go wrong and that very few of them actually get to this process, and we've discussed this to death so I won't beat it again. I'd be cautious about saying this is long-tail, but rather say that the processes we've got don't necessarily line up with the situation we're trying to address very well.

James Bladel: Yes, thanks Mikey. And that actually segues nicely into the next section where we talked about the various anecdotal evidence from registrars.

And Lars, I think I remember sending something to the list. Something that we were calling informal or ad-hoc resolution of transfer disputes between registrars or something really clumsy and - not cumbersome.

But we were talking about something else which I think leads to Mikey's point, which is that the large - the bulk of these are not rising to this point. They're being resolved either internally at the registrar where they say, "Yes. You know, we've got two people here. One is clearly the registrant. One is clearly not. So, we're going to enforce that internally," or, "We're working it out with another registrar or you know, we're," - and then I think we then move down to doing a TDRP.

So was that - maybe I didn't send it in time to get the cutoff here, but I think that there was another type of - you know, the part of the iceberg that's below the water line that was those types of resolutions where we have some basic statistics on that.

Lars Hoffman: This is Lars. I'm not sure I recall, James. You sent it on to the mailing list?

James Bladel: Yes. It would've been quite a while back now. Probably a couple weeks. I'll see if I can dig it up and resend it.

Sorry. Didn't mean to (unintelligible)...

Lars Hoffman: I'm sorry. I'll have a look straightaway as well.

James Bladel: Okay.

Mikey, go ahead.

Mikey O'Connor: Yes. I was going to say the same thing. If that went to the list, it went by me without a trace as well.

James Bladel: Well you know, we've changed email systems here, so it's possible that I (unintelligible) on that one or it went into the (unintelligible) bucket, right? So...

((Crosstalk))

Mikey O'Connor: Yes. I think that it would be fantastic to have another document in addition to this one. This one was really focused at a different audience. But I think that another document that has more than just you and GoDaddy participating in it would be fantastic effort then. So, I would throw out a plea to the rest of you registrar types on the call.

And to Michele, who I'm sure is listening to this transcript, to participate in that in some way.

And James, I think if you could demonstrate how that can be done so that you know it's scrubbed - you know the data, in such a way that no proprietary information was given out, that might be a good template for the other registrars to follow suit. But, I think that would be gigantically helpful.

James Bladel: So Mikey, you would see that -- just to clarify -- as a separate document, or a part of this one?

Mikey O'Connor: I would put it in a separate pile. I think it comes out the same in a slightly different way, and I think we can use that information in a different way.

I don't feel strongly. I mean, it can certainly go in here if you want, but I would be quite comfortable with a separate document as well.

James Bladel: Okay.

Okay, and I'm looking for that message as well, and I've probably just - it's possible that I replied to Graham and didn't hit reply all or something along those lines. So I will take a look for that one.

And it looks like we're closing in on the end of our call, so I just want to get through the rest of this very quickly here and then we'll probably pick this up next week.

But we do note that some larger registrars (laid) in here looks like anywhere from four to (two cows) or five to six from (key systems) TDRP's - no. Sorry, four for (two cows), zero for (key systems), and we can go over to VeriSign, which I don't - I'm certainly opening to this if Barbara wants to weigh in.

But since 2009, there were 154 cases filed with VeriSign, and then there's the breakdown between .com and .net. Of those, 109 were RFE's and 45 were application for reinstatement of sponsorship.

Barbara, can I put you on the spot quickly to refresh us on the difference between those?

Barbara Knight: Sure, thank you James. This is Barbara.

So basically, an application for reinstatement of sponsorship is if the registrars that are basically party to the dispute are - come to terms that a domain name should be transferred back to a losing registrar.

If they were able to come to terms but just need assistance in making that transfer happen, then they can file this - what we call an ARS. And what we can do here at (unintelligible) is to go ahead and just transfer the domain name back. In essence, just changing the registrar record back to the other registrar without having it incur a, you know, typical transfer fee or adding an additional year to the expiration or the term of the domain name registration.

So...

James Bladel: So just for clarity. This is not a dispute. This is the resolution of a - kind of an informal agreement between two registrars?

Barbara Knight: Right. The registrars were able to talk about it and they came to agreement, if you will, that the domain name should be back with the other registrar but they just need assistance in making that happen.

So they do all of the legwork up front. What can happen is that the registrar who lost the name would basically send a request you know for an application or reinstatement to VeriSign. The other registrar would have seven days to basically say, "Yes. We agree. You know, we're both on the

same page of this.” And then once we have that agreement from both of the parties, then we’ll go ahead and effect the modification to the registrar of record to reflect the other registrar - the losing registrar.

James Bladel: Okay, thank you.

And the RFE is something different though. That’s where one registrar is saying, “I believe that the other registrars transfer did not go through and I am not seeing agreement from the other registrar.”

Barbara Knight: The request for enforcement is basically what is contemplated by the TDRP. So it’s basically if there is a dispute between the registrars, they aren’t able to resolve it amongst themselves, and so they’re looking to either the registry operators as the first level transfer dispute resolution provider, or the second level transfer dispute resolution providers, such as you know (Mask), to resolve the issue.

To actually you know, hear the merits of each side and then determine whether or not the case was - or the transfer was actually fraudulent.

James Bladel: Okay.

So is it fair to say that those 45 ARS incidents are not TDRP’s? They did not rise to that level?

Barbara Knight: They did not because - I mean, we weren’t asked to make a decision in those. All of the legwork was basically done at the registrar level.

James Bladel: Okay, thanks. Thank you for clarifying.

Barbara Knight: They were just asked to transfer the name. Yes.

James Bladel: Okay.

So diving down then in the next paragraph, looking at those 109 cases, 59 of those where VeriSign registered - rendered the decision and no decision on the remaining 50.

Now at that point, the 50 that included no-decision, would those escalate to - would those have the option to being appealed to the second level provider? Is that correct?

Barbara Knight: So this is Barbara.

They would've been able to be appealed to the second level provider. I - in the information that I reviewed, I did not see where any of those actually were, but they could be the - you know, I'd literally ask for an extract of data. And so trying to crunch through that fairly quickly, you know I may have missed something that I did not see where any of those actually were appealed to the second level.

James Bladel: Okay, thank you. So then there's a breakdown there. I know we're up against our time limit now, but there is a breakdown of those 59 cases and how they break down.

And again, we're going back now to October 2009, so three and a half years ago, roughly. Given the size of the industry and the volume of transactions, it's a surprisingly small number.

Okay. And then the next phase - the next section of the document discusses the data provided on ten TDRP cases from NAF and from the Asian Dispute Resolution Center. And what I think is interesting is that this - the NAF indicates - I think that the stats of what Barbara was saying is that these were all first level - or these are appeals of first level decisions, so they could be I guess considered part of those 50 that VeriSign did not render a decision on.

And it looks like - and I don't know that we have that data for whether it was first or second level -- let me see here -- on the Asian Dispute Resolution Center. So I think that we're starting to you know get to how many angels are dancing on the head of a pin. But I think we can see from the large number of complaints that are filed with ICANN, we can whittle that down to valid complaints. And then of those some are hijacks, some are disputes, and then we can look at registrar data, then registry data, and then finally into the second level provider data.

But I think this is a good report. Maybe we need to just you know - certainly, the ball's in my court to get - to find my data and get that re-entered in here, so that's included.

But I think we're telling a good picture here, which is that there are number of filters on this ocean of complaints that boils down to those that are - those that are actually legitimate hijackings or unauthorized transfers, and then those that are able to be resolved at the registrar level and those that kind of move up the food chain until they get to this - the registry and the second level providers.

So let's put a stopping point there, and I'm sorry for taking us over three minutes, and I appreciate everyone's patience to get through this document. We'll take a quick look at the mind map next week. We'll continue with our review of the last few comments received, and then we will - we'll go from there, so thanks for your indulgence.

And Mikey, did you have any closing or parting comments here, or should we just adjourn for today, or...

Mikey O'Connor: Adjourning is fine. I was just - I'm stuck in the chat, but we can skip that agenda item about going to the Council for awhile until we can come up really with a good list of things that we might want to take a look at from earlier ones. So I think we're all set there.

Thanks, James. Great job today.

James Bladel: Okay, thanks everybody. Lots done today, and see you next week.

Woman: Thank you.

END