

**ICANN  
Transcription  
IRTP Part D Working Group meeting  
Monday 07 October 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 07 October 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-20131007-en.mp3>

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

Attendees:

Volker Greimann – RrSG  
James Bladel - RrSG  
Kristine Dorrain – NAF  
Chris Chaplow – CBUC  
Mikey O'Connor – ISPCP  
Graeme Bunton - RrSG  
Avri Doria – NCSG  
Bob Mountain - RrSG

Apologies:

Holly Raiche – ALAC  
Paul Diaz – RySG  
Bartlett Morgan – NCUC  
Barbara Knight – RySG  
Kevin Erdman - IPC  
Rob Golding – RrSG

Coordinator: I'd like to remind all participants that this conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Mikey O'Connor: Julia, you may be muted. You want me to do this?

Julia Charvolen: Can you hear me?

Mikey O'Connor: Now I can hear you.

Julia Charvolen: I'm sorry.

((Crosstalk))

Mikey O'Connor: ...everybody is on mute.

Julia Charvolen: Everybody is muting.

Welcome everyone to the IRTP Working Group Call on Monday, 7th of October 2013 at 15 UTC.

On the call today we have Volker Greimann, James Bladel, Mikey O'Connor, Graeme Bunton, Bob Mountain, Kristine Dorrain and Chris Chaplow. We have Avri Doria who has just joined.

We have apologies from Bartlett Morgan, Barbara Knight, Kevin Erdman, Paul Diaz and Rob Golding. And from staff we have Lars Hoffman and myself Julia Charvolen.

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

Mikey O'Connor: So we'll take our usual pause to take a look at the agenda and let folks update their Statements of Interest. I know Bob Mountain has an SOI update. Bob, you want to fill us in on what's going on?

Bob Mountain: Yes, so as of last week it was officially announced that my company was acquired by GoDaddy. So we have a change in that GoDaddy is not the parent company where I work. So I'm not sure if I have to submit anything in writing or not but I just wanted to get that out on the table.

Mikey O'Connor: Oh, I don't know, two GoDaddy people now; scary, all kinds of interesting things. Thanks Bob.

((Crosstalk))

Mikey O'Connor: Go ahead James.

James Bladel: Oh, just that I think there's still a fair amount of independence. I mean Bob and I aren't like in adjacent offices or anything.

Bob Mountain: Actually we're not even in the same state.

James Bladel: Yes, right.

Mikey O'Connor: Yes, well I was going to say James, I wouldn't imagine anybody is in an adjacent office except maybe your wife and your kids. Okay, anything else before we dive in and I'll push us along.

There are two things in the agenda, and because we've got so many apologies today I thought I would just sort of do a monologue at first that we can then share the length too. So what we'll do - this video will get chopped off after I finish my little monologue and then restart it. But if folks who aren't on the call want to just listen to about a 15 minutes story about where the drafting team is at, we've thought this would be the useful thing for people to do.

I think with that I'm going to dive right in unless there's anything else - I don't see anything on the screen. So what you see is the same line map that I sent out over the weekend to the list. Hats off especially to Kristine for yeoman service on this.

Basically what we discovered when we started working on the TDRP is that document was written quite a long time ago. And it was either very badly written the first time around or it's been revised a number of times.

But the upside is that it's extremely disorganized, it's very hard to understand. There are all sorts of places where there is redundant paragraphs that are ever so slightly different in wording but not in intent. And so as a former computer programmer, I would call that spaghetti code. It was a very different document to follow and to revise.

And so as we've been revising, we've also been restructuring the document. And this is sort of an announcement to all of the lawyers in the working group and the community that you'll want to review this draft fairly carefully to make sure that in our reorganizing we didn't create some unintended consequences. So along with the substantive changes that the working group is going to propose, because of the huge amount of change, this will be a good one to review pretty carefully.

But there is a special place reserved in heaven for Kristine and Lars especially on this because this was a really hard document to read, and we think it's much better but we want to get your views on that.

So now the document is divided into three parts whereas before it was sort of one giant jumble. Now there are three chunks. There's the policy chunk which is the part that we as the working group are going to focus the most on I think. There's a rule's chunk that is more procedural, and then there's a supplemental rules part that is really a place for providers to enhance or expand that are all ready in the TDRP.

And then the last piece of the document that I sent out over the weekend is just either drafting notes to us or in one section are some questions for the working group. And I think our convention is that we're going to keep that going because, as I say, this is a fairly complicated document and a pretty extensive rewrite. And so we'll sort of want to document what's going on in one way.

So going into the policy chunk first, here you see the sections. One of the things you'll notice is the numbering is really screwy and that's mostly my fault because I was inconsistent in the way that I did set up this document. In some cases, I was renumbering and in some cases I was trying to carry forward numbers from the previous document. And so essentially, this is a numbering disclaimer; pay no attention to the number.

James, go ahead.

James Bladel: Just a quick question or observation. First I want to say thanks to you and to Kristine and Lars for taking a lot of the heavy lifting on this effort.

But then the question was relative to - you know, it's good to have Kristine's expertise on this effort as far as reorganizing. But we're hoping at some point there will be a registry rep that can also weigh in on this, right, like Barbara especially. Is that...

Mikey O'Connor: Yes, absolutely. That's part of the reason for this video because I know that Barbara is pretty jammed up.

James Bladel: Okay.

Mikey O'Connor: And my hope is that she and some of the other Registry Reps like Paul will be able to - rather than have to wade through this entirely from scratch, this is hopefully going to give them the runway and running start when they did in.

But yes, this is one that we're going to have to give extra special attention to because of the amount of rewrite that's going on. And especially Barbara because she knows this policy probably better than anybody given that VeriSign is the primary registry, in today's world, is the first level of this process. So yes, absolutely.

Okay, so on (unintelligible) stuff, so in the first chunk of the draft that you've got in front of you are the definitions. And anything in square brackets, this is our convention, anything in square brackets is sort of to the reader and notes to us that sort of tell us something important in this particular one that what we're saying is - we haven't done a lot with the (definitions) yet because we're still working out sort of how this process is going to work in some cases, and then we'll - this is the legal writer's way out of a corner. You know, when you get in a terrible corner you can write a definition so we're going to circle back.

We've got - if you look in here, you'll see that we've got some new ones, under the characteristic Mikey title New Stuff, where we're starting to keep track of things that we know we need to build. (Unintelligible) I wouldn't spend a lot of time worrying about these because we, you know, need to get the underlying process consistent. But that's an introduction of what's going on in that section.

For the most part, it's the same old stuff that you all ready know. And I think we're going to see some changes there but we haven't touched those yet.

The next section is new, it's called Standing. And they're the things that we're hoping with this is to make it very clear who can do which kinds of things. Because we haven't agreed to this as a working group yet but we're laying the ground work for the possibility that a registrant may have access to this process.

But we felt it was pretty important to put this clearly early in the policy as to who actually has standing to apply to the other end of this process. Right now, in today's world, it's registrars. So we have the two, essentially, definitions from the existing policy and then we've added one for the registrant. So this is one to pay attention to when you review it, but again we as a working group, you shouldn't take this as cast and stone, we haven't concluded that this is going to work yet.

The next part you'll notice we have to standing chunks; one with a number and one without. Pay no attention to the numbering.

But what we did is (road) standing into two pieces. We said, "Okay, in the case of an initial dispute, registrants have standing to do that." We had a bit of discussion in the subgroup about whether registrants have access to filing an appeal. And the answer, at the least at this stage, and the answer is fairly subtle so I want to take just a minute to explain what's going on here.

In this case of the initial part, the person who is applying in the case of the registrant, they will be applying for the first time to the dispute resolution process. And in the dispute resolution process, what we say is that if a dispute resolution provider has ruled on a case - in that case, it would have been brought by a registrar - that ruling is final and the only option after that is to go to court.

So in the case of an appeal, a registrar has (unintelligible) appeal - and I think we have a typo in here Kristine, that I may have introduced so I want to enlist Kristine in my fixing as we go. I think an appeal can only be made to a first level decision, can only be made to a registry decision; it cannot be made to a dispute resolution provider decision.

But this is the kind of work going on in the subteams to try and straighten out what is right now a very convoluted and very difficult-to-understand process. And I think we made a mistake in this paragraph.

But what we're saying is that registrants don't have access to the appeal cycle and we may need to think that through just a little bit.

James, go ahead; you're in the queue.

James Bladel: Yes, I think you touched on it there at the end. It's just was the justification for limiting that standing, and also a question of whether this particular part exists

in the current TDRP or I think this is still under new stuff. So I mean when does this become language as opposed to a mind map, we definitely want to highlight those things that were not a part of the original policy and the reorganization of that language but actually introduce with this rewrite.

Mikey O'Connor: Right, yes. That's absolutely right. We're going to have a very interesting and difficult cross-documentation because of the result. But we're on that.

Kristine, go ahead.

Kristine Dorrain: Yes thanks. This is Kristine from NAF and I just wanted to address, first of all, you're right Mikey. There's a problem with that statement so we do need to change that.

But James, I wanted to address your concern and that is that that requirement to appeal currently exists in the TDRP. So assuming that we incorporate the fix to the language that Mikey is proposing, then there is no change right now.

When a party uses a provider for their initial dispute, they may not appeal that. The only appeal can be done if it is a decision on the merits by the registry or a finding of no decision by the registry. So you're correct that that is not a change.

Mikey O'Connor: Thanks Kristine and back to James.

James Bladel: Thank you Mikey and thank you Kristine for clarifying that piece of it.

Another quick question as a follow up, and maybe I've got my wires crossed but I believe we were earlier discussing the potential of removing the registry level entirely. So where did we land on that question and how would that affect this idea of appealing the registry decision if that route evaporates?

Mikey O'Connor: Thanks James. You'll see in some of the other chunks of this that we've written sort of conditional branches into this computer program turning into policy. We built this so that if the decision of the working group is to leave the registry layer in, we wouldn't have to go back and rewrite. But if we take it out, then it would be easy to just nuke these and carry on.

James Bladel: Thank you.

Mikey O'Connor: Yes, we left that one for the group to decide. You know, I almost rewrote it without that because the sense that I have is that the consensus of the group is to remove the registry layer, but I decided it was prudent to leave the stuff in. It's much easier to take things like that out than it is to put it in later, so good catch.

So we'll go to the two standing pieces. Then we pulled the statute of limitations part out of the myriad details that that particular language which was (springup) places in the old policy. And we pulled up to the top layer here so the people can see it right away. So if they're new to the policy, they know right away how long the interval is.

We haven't touched the six month thing. That's clearly one of the decisions that the working group still needs to make. But the reorganization that we did is we pulled that forward.

And we also put in, tentatively, the registrant claimant language that (unintelligible) will include them in this process. So that's what is going on there.

And we have a section that pulls again a whole lot of language out of different pieces of the spaghetti and puts them in one place. And basically describes the two kinds of disputes that can take place. There are initial disputes and there are appeals, and we sort of touched on that a minute ago but let me just explode this so that you can see what is going on.

So for initial disputes, there are two kinds, and these are straight out of the existing policy depending on which direction the (unintelligible). The person who thinks that, in this first case, the person who thinks a name should have been transferred to them and it's been held back, gets to file one under that clause. And the person who's had a name transferred away when they think it shouldn't have been gets to file under that one; pretty straightforward.

And then the appeals, as Kristine has sort of laid out, you know, there are really two appeals, either that the registry operator was wrong or that the registry operated correctly and came up with no decision. So this was primarily clarification, nothing particularly new in there, just pulling it out and front so people can see it.

Same thing with this; we pulled a bunch of different things from all over the policy into one place that describes the options, in one case, for registrars, and in the other case, registrants. And so then when you work your way down this, you'll find that this language is pretty families. This is pretty much straight out of the existing policy.

And James, you can see these bracketed notes where we're starting to highlight, you know, if we take that first layer, bullets it's called in this policy, if we take that level out then just delete those sections. The part that goes to the dispute resolution provider would clearly stay.

And then - so this section would get really short except that this is also where we've put the language that talks about the fact that in any case the program stops, if you will, when a dispute resolution provider issues a decision. At that point, there are no more bites at the apple. If you want to continue on from there, no matter where in the chain, if it's at the registrar level or the registrant level, at that point in the chain you don't get to appeal that, you have to go to court.

So that's the registrar piece and then this is a very similar piece with one uncompleted part in the middle that talks about the steps that registrants would need to go through, and right now those are very informal and down in our working notes. One of the questions for the working group is to sharpen these up a bit. We put most of them in there just as placeholders just so we remember to sort of work through that as a working group, we're a little uncomfortable doing that as a drafting team.

So this sort of lays out the new stuff, this is the registrant and talks about their options. So this is one for close review for sure.

And then Kristine sort of educated me about this and said, sort of early in our drafting efforts, she, for Kristine a fairly exasperated tone of voice said, "You know, there's remedies sprinkled all over this policy." It makes it really, really difficult to figure out what's going on.

So this is another one where we've pretty much taken existing policy and just yanked it into one place. And this especially, we had to eliminate an awful lot of duplication because the remedies were duplicated all over the place. It was really hard to follow-up with what was going on. They were at different levels, it was very confusing.

And so there are some introductory paragraphs that say, you know, remedies, there's only two. You can either approve to transfer or reverse it. And in the case of the Layer 1, this again is a piece that we'd have to delete if we get rid of Level 1 because that would no longer be an option because the registry would be involved.

And then it sort of describes - this is straight out of the policy as it is today. It says that the TDRP cannot do the no-decision route, they have to render a decision.

And there's a little bit of detail, again, taken from various parts of the policy. You can see how this explodes, and that's about what we're going to get.

So if the decision is reversed, you know, there's a little conversation about that. These are pieces from the policy, this is probably not - this is probably a drafting note for Kristine.

This isn't the whole story of reversing or denying the transfer. These are just pieces of the existing policy that we know we need to insert into this part. And you can see the numbering is getting really screwy because we're yanking these from the existing policy and in this case I don't think we renumbered it. And so, you know, we have a little work to do to try to describe all that.

And then in the case where more information is needed, there's a little bit of description as to who gets to go find more documentation. And then here you can see the last remedy is optional if we decide to get rid of the registry layer. And I think this is - yes, this is straight out of the policy, but you can see that some of it is from Section 3.3.4, and some of it is from a different section way buried won at level four. Lettering schemes in the policy, it's a nightmare; it's a mess.

And then I was serious of (unintelligible) things. Here again, we've got a first level dispute piece that may go away, we've got (unintelligible) for that.

We've got a big long chunk on fees. And then we've got an interesting thing puzzler here that the group will definitely want to have a conversation about and that's the who pays conversation in the case of the registrant claimant.

So we've sketched one option in here which is that if the registrant claimant goes to a dispute resolution provider, the losing registrar would pay. If the registrant claimant - oh I'm sorry - registrar and the registrant. And if the claimant doesn't prevail, they would pay.

So you know, we've got some logic to work through there, some clearly interesting policy conversations to have. We've just sketched that in and we're looking for feedback from the group on that.

James, go ahead.

James Bladel: Hi Mikey, James speaking. So maybe we should discuss this a little bit longer but the idea that a registrar would be on the hook for fees should a registrant claimant prevail, I think is concerning. It feels punitive sort of. And I'm kind of curious as to how we would substantiate that both in the working group and then if the working group were to decide this and to go out into the community and kind of justify that position.

Mikey O'Connor: Now why am I not surprised with that question?

James Bladel: (Unintelligible).

Mikey O'Connor: Well let me run through the rationale at this stage very briefly and then - clearly this is going to be a longer conversation.

One of the things from the registrant point of view that's interesting about this is registrants pay for both sides of the dispute. They pay if they win and they pay if they lose. And what motivation does a registrar have to engage in this process? Because if they sit on their hands, they never pay and that's not going to work either. So somehow we...

James Bladel: Why will that not work?

Mikey O'Connor: Because that's not the way it works today (unintelligible).

James Bladel: But we're introducing this new idea, opening it up that if your registrar does choose to sit on their hands, which maybe they feel that the registrant doesn't have a case or that the claimant - you know, they could be wrong. But they believe that the claimant's maybe loss of domain may be because they put their password on the billboard or something silly like that.

Then I feel that - this feels like we're wanting to put the registrar on the hook for - I agree that this is a longer conversation. But I think we need to put this one under a microscope.

Mikey O'Connor: Yes well this is a policy discussion for sure. This is where I would expect registrars and registrants to disagree and we have to figure out a way to get through that. It's what consensus policy making is all about. But that's the rationale.

The rationale is that we don't want to incent registrars to sit on their hands. And we only want to penalize them if they lose. If the registrant puts their password up on a billboard and the registrant loses, the registrar shouldn't have to pay for that. We agree on that. (Avri) go ahead.

Avri Doria: I guess I thought that this was probably just a normal way to do things, I mean the way all of the dispute resolution procedures that we're creating - and there's many of them - if you get to the point that you are in a dispute resolution scenario and you need to go to some service to provide that service and there is a cost, then the normal procedure within ICANN is that loser pays.

So I really don't see any other reasonable resolution for us to recommend. Just for the core, when we get it under the (unintelligible), I just don't understand why this would be a case where even if the registrar loses by having done something wrong or is judged to have made a mistake of some sort, why they should be relieved of the penalty of paying. Thanks.

James Bladel: So, Mikey if I could jump in - because (Avri) very simply because the registrar is not the quote/unquote "loser." The hijacker or whoever it was that initiated and attempted to initiate a fraudulent transfer. And we can make a case that the registrar systems were exploited to allow that to happen or the registrar was asleep at the switch, but they were not the loser that should be paying in a loser-pay model. That's my contention. We're holding them liable for the actions of a third party.

Mikey O'Connor: Clearly this is going to be a tasty discussion. I don't want to have it here because I'm trying to get through this fairly quickly so that somebody who missed the call can catch up on this without spending an hour on the computer. But I think we sort of laid out the edges of the argument and we've certainly got some work to do to get to the end. And I think I'll leave it at this point as we're going to have to work hard on it.

Next one is this notion that if this process gets to the end it does not preclude somebody going from this process to the courts and -- well that's that. James is saying it's a deal breaker - last part's a deal breaker -- and James I think you've just got to let this one slide back out to the working group and try to moderate your position with them on that.

Just churning along here, this is another section that we sort of pulled out of a whole bunch of different parts of the existing policies is the implementing the decision. And again these pieces were sprinkled all over. And after a while I started deleting numbers because it got so confusing. I don't have the number references (unintelligible).

And then a section called limitations on liability which I just put the drafting note in there that we need some language in there. This is I think going to be modeled on the language that's in the UDRP but I'm not sure.

So that's kind of it for the policy side. Now I'm going to go even faster through, because I'm way behind my target schedule in all that conversation.

And this is more the how you do it part. And so this is much less - going to be less controversial. It's more - but again it was incredibly confusing.

So the definition section, which we haven't even started to write yet, and then just talking about how you submit your complaint, whether it can be more than one name, documentary evidence, this is the selling process and who reviews what and so on and so forth, and how people respond, timing.

In some cases there's quite a lot of detailed language that you just pull forward in terms of what the registry and the complainant will do. You've got some kind of documentary evidence, how we handle default. Notice that the use of the terms "respondent" and "complainant," that's one of the things that we are going to work through.

One of the things that's tricky in this policy is that once people are in the process, they're either a complainant or a respondent. But getting into the process, they're all sorts of different definitions. And so that's one of the sort of computer programming/logic problems that we're still working out.

But by the time we get down to this part where the process has been initiated, people are in the proceeding, we've collapsed a lot of the language into respondent and complainant for purposes of this section. It makes the section a lot clearer because now you don't have these big long phrases like gaining and losing registrar, whichever is appropriate, and it's pretty rugged language to get to.

Then we started thinking about appointing a panel, a bunch of things about issuing a decision and just - I'm going to quickly modify this, put brackets around this so we don't forget it. One of the things we've talked about in the working group is this notion of publicly posting the decisions that they make and there doesn't seem - at least Kristine is indicating that from her angle that's not a show-stopper for sure. But we need to write something in the policy about that, that describes it.

But then the rest of this - pretty much a consolidation of existing stuff. And you can see the number is left over from the old policy (unintelligible). And then a catch-all.

So I think at this point, just circle back and punch off the recording for just a minute and then I'm going to put you back on again so that we get the rest of the meeting recorded in Adobe. But if people don't want to listen to it they don't need to.

Now let's start to - there's a pretty lively conversation going on in the chat. It's 20 minutes to the top of the hour. I think to preserve the agenda, what I'd like to do is let the chats carry on. Julia I turned it back on - turn it back on again so we get the rest of the meeting.

Anyway, I guess I would request a quick call from the group. Do they want to chew on this some more? We are very light in terms of attendees. That's one of the reasons I elected to go on much of the policy discussion today. But I'll leave that up to the group.

I think it might be better if we - the logistical work plan stuff for the last 15 minutes and then strongly encouraged our colleagues to listen to this and start to get a sense of some of the issues that are on the table. But one, I'm getting grief from James. James is your hand still up or -- you chimed in?

James Bladel: I think we should tackle Item #3 on our agenda - a review of the updated work plan. That would probably take us to the end of the hour.

Mikey O'Connor: Yes I bet it does. Okay so let's do that. I'm going to stop sharing. Lars, if you're on the call...

Lars Hoffman: Yes I am.

Mikey O'Connor: Could you throw that work plan that you did back up on the screen that I so unceremoniously yanked down at the beginning? And maybe I'll stop talking and let you walk us through what you've done and your (unintelligible). That would be fantastic. I'll sort of chatter away while...

Lars Hoffman: Yes I'm trying to put up my Wi-Fi (unintelligible). It just dropped so I'm just getting back into the room. There we go.

Mikey O'Connor: Some of us have wires to the net connections. They're much more reliable.

Lars Hoffman: Yes this is true but I don't think it's an option in (unintelligible). There we go.

Mikey O'Connor: It should be - all right carry on. I'll leave it to you.

Lars Hoffman: Here's the document. I've basically left what has been in there as it was and just started at where we are now which is the green highlighted state meetings and maybe following to date the discussions slightly optimistically. I put down at 4th November for our first full draft of the initial report.

And then on the 12th November, I'll just take that to say we have three more meetings and then two meetings to discuss the report, obviously issue that we're discussing now, we can continue discussing then.

And then on the 11th if everybody agreed that the initial report is good we would send out for publication and the public forum on the 12th. And then it would allow us the week after in Buenos Aires to present the initial report to the community which I think would be a great deadline to have if we can but obviously as Mikey said before, we will be done when we will be done.

But if that were to be the deadline, we were to open the public forum then, then on the second of January, so after Christmas, it would fit all rather neatly for the holiday period. The reply period would close.

And then depending how many meetings we have in between working with comments that we've already received, we're looking then at the end of January to completing the primary report. So I think that's - depending on how the progress goes on the (TDFP) from my viewpoint I think it's a feasible work plan from where we're standing right now.

Man: Thanks Lars.

Mikey O'Connor: Mikey again. Thanks for walking us through that. Marika noted in the chat that our Buenos Aires publication date is the 28th of October (unintelligible). And she also notes that if we're only planning to present and share findings there's probably more flexibility because I think that's the deadline for (unintelligible) report.

Lars Hoffman: Yes I don't think we can submit it before the 28th of October - content is next week it's feasible. But that's why I didn't put in that deadline.

Mikey O'Connor: Yes I think that's right. James, take it away.

James Bladel: Thanks Mikey. And I do appreciate this Lars, and the walk-through. Couple of questions - I think it's a good plan, very hittable - my question being that do we believe that we should be - let's see here, I thought we would have reviewed the comments received while the reply period is going on. Am I understanding that correctly?

Lars Hoffman: Yes this is Lars. My experience from the working group is that as comments come in, sometimes during the reply period the initial comment's already discussed and then obviously with the (unintelligible) that replies still might be pending on those.

James Bladel: Okay. So here's my crazy idea, Mikey, that I would put to the group. And I know it's not something you want to count on but it certainly seems par for the course that these working groups tend to receive just a few comments or

statements from constituencies as opposed to something with the new gTLD program, for example, that might receive 500 comments a week.

Show me the first IRTP group that receives that kind of volume and I will be tickled, but it certainly is not happening on this series. So my thought here is - and then owing to the fact that, holiday, you know, that the review of comments for the 23rd -- I think we can probably just even this far out, we can probably scratch that meeting. I don't think that's going to happen or it's going to be so poorly attended that we'll cancel anyway.

So I'm wondering if we give the working group a bit of a break following Buenos Aires here and maybe pick up the review of comments received on December 9, skipping the 2nd and skipping the 23rd. I think we could still make that date on the 20th of January or at least by the end of January. But I'm just brainstorming here.

I can see that others have put more thought into this than I have so I will defer to the will of the group. But it's just some thoughts here, some practical thoughts about particularly that meeting on the 23rd and the likelihood that we will probably receive a very small number of comments and/or replies.

Mikey O'Connor: Thanks James. It's Mikey again. I think that's possible. Let's see the 18th - there's already a gap.

Lars Hoffman: Yes one week after Buenos Aires I took out the following Monday so there's definitely a gap there.

James Bladel: That's a holiday week in the U.S. as well (unintelligible).

Lars Hoffman: Yes the Tuesday before Thanksgiving.

James Bladel: Right. So I'm thinking that we have now the two, four, five weeks in December relative to reviewing comments. And what I'm thinking will

probably be the case is that we might end up presenting our draft recommendations in Buenos Aires and then publishing the report for public comment instead of the middle of November that might actually slip until late November or early December.

But then we would need fewer reviews, which might give folks an opportunity to just go on hiatus for a week around the holidays and then we pick it back up after the first of the year and attack the remaining comments and incorporating those into the final reports with a target of the end of January.

I do notice a typo here - I believe 06 December 2014 - I think that's meant to be the 6th of January, 2014.

Lars Hoffman: Absolutely, thank you James.

James Bladel: So that's just my feedback Mikey.

Mikey O'Connor: Well I'm sort of comfortable with these fence posts. I think we're really going to have to dig in pretty hard on October 14 and October 21 to hit that draft initial report. But I think they're reasonable fence posts to put out there for ourselves.

I think one of the things we may want to do is really encourage attendance on some of these calls because I think we've got some tasty discussions to have, like the one that we started to have about the who pays thing.

I think some of those we should probably try to take out through the list just so we don't save all that up for an action-packed call. But in general my reaction is these fence posts look fine. I'm okay leaving some gaps in it, but I guess my inclination would be I'll leave them in for now and see sort of how we do.

I have a feeling that we're going to struggle a little bit I think to hit that 4 November date so I wouldn't want to give people a giant break right now. I'd rather give that away as a Christmas present or a holiday present later. But I don't have real strong opinions about it. I think if we could stick with these fence posts or close to them we're in good shape.

James Bladel: I agree Mikey and it's certainly something - this is James speaking for the transcript - and it's certainly something that we can revisit once we're in the midst of the comment series.

Mikey O'Connor: Yes I think that's right. I think part of it is that it depends a lot on how substantive the comments we get at Buenos Aires are. That's what that early December stuff is. If it turns out we don't get much in the way of comments, then by all means I don't see a particular reason to kill ourselves.

On the other hand, if we don't have an initial report before Buenos Aires, which is possible, but we're instead describing our tentative stuff, then we will have work to do in December. We could use those weeks to do that work.

I see that it's about five minutes to the top of the hour and unless there's anything else, I think this is probably a good spot to stop. Any thoughts about that? Reason to go on longer than this, but this seems like a good place to stop. I'm not seeing any hands go up.

James's hand is up. I give you the last word.

James Bladel: Just very quickly, it seems like we kind of poked an interesting topic here with the fee structure. So when could we - is the working group meeting later this week, the sub team? Could we assume then that next week would have a more substantial or substantive discussion on this particular point or on the revised TDRP in general or what's the most immediate next step?

Mikey O'Connor: Well I think that there are - there's a little list which I'm happy to publish - I think it's in here, hang on. Just see how good my list is - questions for the group. The business of - we took the appeal of it - let's say the registrar - a dispute resolution provider - and registrants appeal that. And we said no. But that's something we should talk more broadly about.

We need to do those hoops and - as I say I'm not surprised that we had a tasty discussion about this. I think we need to have a conversation about that. And so what we could do is I could publish those through the list and say okay if you weren't on the call today you probably want to watch that video and then contemplate these three questions and contemplate them on the list and then have those three be the focus of the conversation next week. I think those are the most difficult ones to come out of this draft.

And meanwhile the drafting team still has work to do, just technical and mechanical work and stuff like that. So I think we're planning to get together again late this week and we'll have a revised draft.

But we're at a point now where we need some guidance from the working group and those are the three that have been left out for us. So how about that for an agenda for next week?

James Bladel: Sounds good.

Mikey O'Connor: The plan. All right folks. It's always a pleasure. I'll see you in a week and Julia you can wrap up all the recordings and stuff. Thanks all, that's it for me.

James Bladel: Thank you.

END