

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 17 February 2014 at 16:00 UTC**

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

Attendees:

Holly Raiche - ALAC
Angie Graves – Observer CSG
Mikey O'Connor – ISPCP
James Bladel - RrSG
Paul Diaz – RySG
Kevin Erdman - IPC
Rob Golding - RrSG
Volker Greimann – RrSG

Apologies:

Graeme Bunton - RrSG
Barbara Knight – RySG

ICANN staff:

Marika Konings
Amy Bivins
Lars Hoffmann
Berry Cobb
Terri Agnew
Nathalie Peregrine

Nathalie Peregrine: Thank you very much, (Carol). Good morning, good afternoon, good evening everybody. This the IRTP Working Group call on the 17th of February, 2014.

On the call today we have Mikey O'Connor, Holly Raiche, James Bladel, Paul Diaz and Angie Graves. We have apologies from Graeme Bunton and Barbara Knight. From staff we have Marika Konings, Amy Bivens, Lars Hoffman, Berry Cobb, (unintelligible) and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you.

James Bladel: Thank you, Nathalie. And welcome, everyone, to the IRTP-D PDP Working Group call for February 17, 2014; the President's Day/Washington's Birthday edition as we were discussing the real name of this little-observed banking holiday.

So as per our usual routine does anyone have any updates to their Statements of Interest please indicate so by raising your hand. Okay seeing none then we'll move to the adoption of the draft agenda which was circulated on the mailing list and appears in the right hand column of the Adobe Chat room.

I actually think that this is perhaps a little bit of a glossing over of some of the other things because I think we've got a couple of things that we want to cover that are outside the agenda. So let's just consider it adopted but still in a draft state because I think there are a couple things that we'll need to change or perhaps move the order.

But does anyone else have any items for topics they'd like to get installed onto our agenda before we dive in? Okay great, no hands.

So we are still continuing, I think, a fairly solid review of our draft initial report and draft initial recommendations that are - I think we're now in our third episode of that. We have perhaps one or two more meetings. Lars, can you

help me clarify? Do we have until the 10th of March or do we have until the 3rd of March?

Lars Hoffman: This is Lars. Thanks, James. No it's the 3rd of March is submission deadlines.

James Bladel: Okay.

((Crosstalk))

Lars Hoffman: ...and then two more.

James Bladel: Okay. And so just to be clear that deadline is saying that if we want to have this document considered or officially - what does that document - what does that deadline really do? Because we could certainly - if we miss that deadline we could certainly still present what we have so far in our workshop session. Is that correct or in order to present it at all we have to publish it before that deadline?

Lars Hoffman: Well it's a deadline for documents - for official documents during the ICANN meeting so it - it's a deadline that gives community enough time to that document that will be dealt with at the meeting.

James Bladel: Okay so...

((Crosstalk))

Lars Hoffman: Sorry.

James Bladel: Okay so I'm sorry, there's a little lag there. But so clearly if we don't publish it prior to the Singapore meeting which means prior to - or by March 3, then everyone who sees this in Singapore will be coming at it cold?

Lars Hoffman: Yes.

James Bladel: Okay all right. So March 3 is what we're aiming for. And I think that that makes sense; we want folks to have - those who are interested in participating in the events in Singapore will at least have an opportunity to review it and it doesn't matter if you're coming from the US or Europe most folks will have a fairly long flight to peruse these documents so that's great.

Okay so that's the status. We have this meeting, we have next meeting and then essentially we have to go and get this published. And I think we're close enough that we can actually do that. And when we last left off we were - and this is where we're going to probably depart just a little bit from the agenda is that we were examining use cases.

And Mikey was walking us through the table use cases that we had prepared earlier in the discussion of Charter Question C. And we were going through those sort of with a microscope.

And I think that on the list there was some discussion - further discussion about whether that exercise of cleaning up use cases was on the critical path to getting this initial report published. And I think that a lot of folks were in agreement that - and please stop me if you have objections to this idea - that the use case table we could continue to work on that but the use case table itself was probably not a key deliverable for the publication of the initial report on March 3.

So we can - so I think that we were thinking that there would be better use of our time if we focused more on the report itself rather than, you know, getting bogged down into some of those use cases. Mikey, am I characterizing that correctly of the conversation from the list?

Mikey O'Connor: Yeah, I think you are. I can't remember if it was just between you and me or whether it was on the list. But I completely agree.

James Bladel: Okay. Well, I mean, if that's the case then we certainly want to give anyone on the call an opportunity if they believe that that was misguided and we absolutely cannot publish this without a button down and finalized version of the use case table please raise your hand and we'll certainly put that on the critical path and maybe move that to the mailing list.

But I think it is certainly something that is a nice to have appendix or an annex but it's not necessarily - it's not driving the boat. Silence is agreement. I think we're good to go on that, Mikey, but probably a good idea that we open that up.

So Holly, go ahead.

Holly Raiche: I'd hate to lose the use cases though. They were really instructive. So for this report, okay maybe not critical but I would hate not - for them not to be there because for those people who don't kind of live in that world it's a really, really helpful way to understand what's going on. So happy to not have it for this report but could we kind of mentally think it will be in the final report just so - this is what we've been through and this is what it all means.

James Bladel: Certainly - and excellent point, Holly. And that's exactly the plan. It will be, in fact, it will be in its current state in the initial report perhaps with additional clean up. I think what we're saying is that we're not going to continue to refine it for this initial report.

Mikey had his hand up - and was that what you were going to say, Mikey? Sorry, now Mikey's agreeing. Yes. So certainly I think that everyone is - strongly supports including that annex in the initial report just in its current state and not, you know, diving any deeper into it until we're ready to publish our final. So hopefully that addresses your concern there.

Okay so then that takes us back to our draft initial report which last time we finished going through all of the draft recommendations and the justification for each one for each of our charter questions. So the question then to the group - to Mikey and to Lars - is where do we start our review today? From the beginning? You know, that's 60-some pages long. We can read through it; we can skip through it or we can just kind of go section by section and I think hit on the milestones there.

I know Mikey has made some changes and I'm not sure if they're reflected in this latest draft but he's got his hand up so let's find out, Mikey.

Mikey O'Connor: Thanks, James. Yeah, I made a fair number of changes to the draft. And it's big enough that I think it's going to be tough to revise on the - or review on the call. The - I think we've got sort of a couple things going on here. One is we don't have very many people on this call partly probably due to the holiday but partly other reasons.

And we're - Lars, I've got a really technical timing question for you and that is, is the March 3 deadline close of business on March 3 so that we could meet on March 3 or are we really down to two meetings? Because if we're down to two meetings, this one and next week's, then in a way this is the preliminary consensus call that we would then announce on the list that says hello everybody, pay close attention to this draft.

If, on the other hand, we can meet on March 3 and still hit that deadline then we've got essentially another week. And I see Lars with your hand up so I'll go ahead and call on you.

Lars Hoffman: Mikey, this is Lars. Thank you. Well, it's a complicated answer. So, I mean, in principle theoretically we would have the Monday still. However the document needs to go - to go into public comment it would have to go through Admin and Marika also just generally privately to confirm that.

But I'm just wondering - and I'm not sure whether, Marika, whether you're listening and you can chime in, it could be possible because the 3rd of March is obviously not the public forum deadline, it's just the submission deadline. So I'm wondering whether we can submit it on the Monday as an official document for Singapore and then open the public forum only a couple of days later.

I personally can't see why that wouldn't be possible but seeing that I haven't done this this many times I might be wrong on this. I don't know whether Marika or Berry could help me out.

Mikey O'Connor: Let me go back to James. Berry has given you an agreement that that's possible so that would work.

Lars Hoffman: Because there's the difference between public comment and submission deadline but I'm not...

Mikey O'Connor: Right.

((Crosstalk))

Mikey O'Connor: Right. I think that's right. Jim.

James Bladel: Yeah, so just weighing in on that. I don't know that we are aiming to have this open for public comment in Singapore. And in fact I would like to say traditionally that documents that are either published for public comment at the beginning of or the week following ICANN meetings tend to - that seems to be kind of a dead period for comments.

And, you know, it feels as though if that is one of the things that we would lose is the ability to open this for public comment on our way to Singapore I think that's probably something that's not only something we would be willing to sacrifice but also might lead to a more beneficial comment period.

If we can present the document in Singapore, open the comment period after everyone's returned back from Singapore and then have the document open for public comment for, you know, the requisite number of weeks after that I think we'll get a higher volume and a higher quality of comments if we follow that sequence rather than trying to do all those things simultaneously.

And that's just my opinion but it seems to fit with the previous transfer working groups and other documents that are open for comment is that folks have just way too much on their plates while they're actually attending these meetings to review and file comments.

Mikey O'Connor: Thanks, James. Marika's got a bunch of stuff in the Chat so I would tend to lean with James that we shoot for Singapore submission deadline which is ideally the 3rd of March according do Marika.

One option is to meet the Friday before. Marika's then responding to James saying it would be to open the comment period and then she's saying if we're talking about opening it after Singapore we'd have to count on an additional 21 plus 21 days after we can start working on the final report. Jim is saying 45 days so that's pretty much in alignment.

I like the idea - you know, those few weeks before those meetings are a catastrophe; everybody's super busy. And, you know, that way we could present the thing and then open the public comment afterwards. Oh Marika's got her hand - Marika. You may be muted, Marika.

Marika Konings: Yes, hi this is Marika. Can you hear me?

((Crosstalk))

Mikey O'Connor: Yeah, it's all good.

Marika Konings: Yes, I managed to connect my audio via the computer to see if this works. No, the reason - so this is Marika. So the reason I was saying, I mean, if the document is ready by the 3rd I don't see any reasons why you couldn't post it at the same time for comment.

The main reason being as well that that gives you more visibility that the report is out but will that give people the chance to look at it - look at the specific questions you may be asking and seeing that the form is there even though you may indeed expand it quite well beyond Singapore. And I think provide, you know, that forum as an open platform for people to provide input and feedback on.

I think there are some issues if you're opening it later but before Singapore because I think that may put it in a difficult position with the Board committee that looks after, you know, if people are meeting deadlines because I think that's something that's basically tracked and seeing, you know, what documents are we posting and it's rather frowned upon if we post it too close to an ICANN meeting.

So if you don't post it then and you wait until after Singapore you are looking at, you know, a relatively long timeframe that you need to keep it open afterwards which means as well there's less time between now and - I don't know the end goal is if a final report by London is what you're aiming for.

But of course it gives you less flexibility to shorten that time period if, you know, based on feedback that you may get in Singapore or, you know, comments that are provided. Say look, you know, we only need maybe a timely - or 30 days after Singapore to really give people enough time to look at this as they also already had an opportunity to look at it the day before.

I think from our side of the report would be ready by the 3rd of March of course we can already warn our colleagues at Web Admin that we will be having something coming their way on that date, it would get posted and

already prepare the relevant announcements that go with it. You know, of course if you choose to go down that (unintelligible) so that's just what I wanted to say.

Mikey O'Connor: Thanks, Marika. I think that what I would like to propose is what I'm really trying for is one more meeting. I really think Friday's going to be tough. And so what I was really trying to find out is whether the beginning of day or end of day March 3 is going to work. It sounds like end of day March 3 would be okay. Yeah, there we go. Berry's given me all the way until the end of the day.

Because I think we're very light today for a preliminary consensus call in terms of number of participants. And I'd be a lot more comfortable - we're having this great argument in the Chat about which time zone UTC. UTC is right, 2359:59 UTC. So that gives us until - in the US...

James Bladel: That's close of business in the US roughly.

Mikey O'Connor: Yeah, close of business at least in the Midwest where we are, James. It certainly gives us time to have that meeting. And I think that's the key is that I'd be a lot more comfortable with a process where we said okay people, pretty darn close to final draft is posted to the - you know, is the one that we're looking at now. We're going to do a preliminary consensus call on that draft next week at the meeting and a final consensus call on March 3. So this is the time to really pay close attention to what's in that report.

James, go ahead.

James Bladel: Can I make a counterproposal, Mikey that's I think very similar to yours?

Mikey O'Connor: Yeah, go ahead.

James Bladel: What if - and I'm just throwing this out here - what if, because as you mentioned with the telephone and the, you know, the different, you know, meetings and stuff being scarce, what if we use something like a Survey Monkey? We just put the charter questions and the preliminary recommendations into Survey Monkey and then sent that link around. I think that folks might be a little more inclined to submit their support or opposition.

You know, and then we take those results, let's say, you know, you have four days to get this in here at your own convenience. You know, it's only five charter - or six charter questions. Get those things - respond to the survey and then we would go over those and make the determination of consensus based on the survey results. Any - I don't know, what are your thoughts on that? Marika's got her hand up to tell me that's just a terrible idea.

((Crosstalk))

Mikey O'Connor: Yeah.

James Bladel: But I was thinking that way it takes some of the pressure off. Because I was thinking we could even do that today but as you mentioned we're a little light on attendance. We're probably going to have that problem each of the next two weeks. I'm trying to think of a way around that.

Mikey O'Connor: Marika.

Marika Konings: Yeah, this is Marika. Basically I'm in agreement with what James is saying because as I posted in the Chat as well there's actually no requirement to have a consensus call in person or on a meeting. I think several working groups have also just, you know, of course you had many conversations and, you know, working group members know it's coming.

But at that point it's pushed out to the mailing list saying look we believe that, you know, from the chairs, we believe that we're at a position where we have

consensus. So this is what we have. You know, if anyone objects to these recommendations, you know, please state those on the mailing list. You know, if you want to include a minority position let us know.

But you can also start a process like that. And, you know, as James suggested you may also do it in a poll way. I think the only thing we need to make clear at some point is that, you know, no response at some point probably equates to, you know, support because we're not at least in a situation or it's not a requirement that everyone affirmatively needs to say that they agree because otherwise, you know, things may be held up just because someone is on the case, you know, or doesn't think they need to respond to it.

So I think you just need to make very clear once you put out how you're going to, you know, measure the consensus what that process is and indeed if people don't respond what does that equate to so it's very clear for everyone, you know, either I need to respond to that Survey Monkey or I need to be on that call or I need to make my position heard on the mailing list by that date so that you have away forward.

And I think, again, if you want to set a consensus call, for example, that finishes, you know, just before, you know, a couple of days before the 3rd of March meeting you still have, as well, some flexibility if someone says well, you know, I actually don't agree because I have a certain issue with this, that or other we still have a call to work through that, you know, depending on of course how big the issue is may result in not being able to publish.

But again that allows you for some flexibility if you already start the process now I think as James suggested as well.

Mikey O'Connor: I'm fine with that. So - you know, do we kick that off after this call or do we want until next week to kick it off? Might as well kick it off after this call.

James Bladel: Yeah, that's what I was thinking, Mikey, is we would launch that today this afternoon and then...

Mikey O'Connor: Okay.

James Bladel: ...give folks some time to respond. You know, again it's only six - sorry, this is James speaking for the transcript - it's only six questions. We've already got the text of the questions, the charter question and our preliminary recommendations that we can just copy paste in a Survey Monkey, send around the link.

I think it should be - I don't want to say slam dunk but I think it should be a relatively straightforward exercise and that by the time we reconvene next week we will have a, you know, a fairly clear idea of where we stand as far as consensus. Although as Marika noted, it's not required.

And then I guess the commitment would then be that any edits made to the draft - the report between now and then would either not touch those things or be nonmaterial in nature, just more cosmetic type edits which I think that we are in that phase anyway now where we're just kind of cleaning up the language but not making material changes to the content.

So that's my - it sounds like we're all in violent agreement with each other. And I'm thinking we can go forward with that and it will save us quite a bit of time and get us a higher quality - a higher level of support.

Mikey O'Connor: Works for me. I'm not sure that there's a lot of value in dragging everybody through this whole report on the rest of this call. And so I may just hand it back to you, James. I do recollect that you have - you fired in a thread titled, "A possible fix," question mark. And I took a look at that as I was doing my editing and couldn't figure out what we were talking about.

So one way we could - so that particular thing isn't in the draft as it stands today. And so unless somebody really wants to go to some other part of this draft my thought would be that we jump in - James posted it on February 12 at around 1600 plus 6...

James Bladel: Yeah 22...

Mikey O'Connor: Twenty two GMT.

James Bladel: Yeah.

Mikey O'Connor: I think that's one that we need to tidy up. And then Holly's go there hand up so maybe we'll get another topic from Holly. Holly, go ahead.

Holly Raiche: Thanks, Mikey. I just - I - because when I sent the email I just sent it to you. There's a, for me, a bit of confusion...

Mikey O'Connor: Oh right. Go ahead.

Holly Raiche: ...in the 5.2.2.2 working group the second to last paragraph which is the working group has arrived at the preliminary conclusion that the domain name registration should remain with the current registrar of record if subsequent transfers have taken place in good faith. And if the statute - by the way that's got to be statute, not statue - of limitation should the launch has passed.

And then - about three paragraphs later it reads as if there is a different timeline. So I just think that language is a little bit confusing as to when does the domain name stay with the original and when does it stay with the current? It's just that the language itself is a little bit confusing because when I read it I thought, I'm not sure this is correct. And maybe it's just a wording thing but it just - it really does need a little bit of cleanup on that one. Thanks.

James Bladel: Holly, can you - this is James speaking. Can you - which page is that?

Holly Raiche: It started off on 25 that was - I was reading from Page 25 of - not what's on the screen. It may actually change pages but it was under 5.2.2.2, Working Group Observations. And then it was about the current registrar gets to keep the name.

And then if you go probably just a page later then it's about the original person gets to keep the name. And it just - it's really about - it's about where in the process then if the statute of limitations has expired or not. But I just put two paragraphs next to each other and thought I just - that's not clear in my mind.

James Bladel: Okay good catch on that. I'm trying to see if - I'm skimming reading while I'm listening here to make sure that I've got it. But it may be an artifact from the editing because I know that this was one of the later changes that were made after some discussions with Volker and I. So can someone - let's see here, Lars, do you see where the language that - Mikey, go ahead.

Mikey O'Connor: This is Mikey. I'm going to grab the screen for a minute. So now you should all be looking at 5.2.2.2, Preliminary Recommendations. And I'm going to try and zoom in on that. So this is the first one right, Holly?

Holly Raiche: Yeah.

Mikey O'Connor: Okay. And so let me - because I agree with Holly. The - we are correct in our report but we are badly worded. So in this section we say, "Transfers from a gaining registrar to a third," and blah, blah, blah, "...are null and void if the gaining registrar acquired sponsorship from the registrar of record through an invalid transfer," and then this is the key point, "as determined through the dispute resolution process..."

Holly Raiche: Yeah.

Mikey O'Connor: "...set forth in the TDRP." Now further down - so what this is about is whether the thing happened within or beyond the statute of limitations, right?

Holly Raiche: Yeah.

Mikey O'Connor: And because this one is saying it happened in a TDRP it had to have started before the statute of limitations ran out. Now further down - Holly, tell me where the next one was?

Holly Raiche: Oh okay it's going to have to be, let's see, because I went hunting for the next one. And I'm going on a version previous because I was reading...

Mikey O'Connor: Oh well versions previous are really different. I chopped a lot of stuff out so...

Holly Raiche: Yeah, well maybe...

Mikey O'Connor: Maybe I fixed it.

Holly Raiche: You might have fixed it. So that was paragraph - okay. I tell you you might have fixed it because originally...

Mikey O'Connor: I'll give you back the screen.

Holly Raiche: ...the second paragraph of the 5.2.2.2 was, "The working group has arrived at preliminary conclusion," and that was then it's - that the domain name registration should remain with the current registrar of record. If subsequent transfers have taken place, etcetera. And then we get to the paragraph you just read, "A dispute must be filed no later than six months after," etcetera.

"And in the case where registrar of record alleges that a transfer was in violation of this policy the - should be deemed the date which," and then

following that there was the bit that I think I read out. I'll find it in your version because I found it in another version.

Mikey O'Connor: Yeah, this was a pretty major revision.

((Crosstalk))

Holly Raiche: Yeah. I'll have another look...

Mikey O'Connor: And I may have fixed it already.

Holly Raiche: ...find it in yours.

Mikey O'Connor: Okay.

Holly Raiche: Because I was reading it in the other one and just thought this doesn't work.

Mikey O'Connor: Yeah, no, I...

Holly Raiche: Maybe you picked it up.

Mikey O'Connor: I hammered it - I hammered pretty hard on this one and so I may...

Holly Raiche: Okay.

Mikey O'Connor: ...have already picked that up.

Holly Raiche: Actually I think it - it looks as if on the screen it's been deleted what I was talking about. Just looking at the screen that you've got in the green deleted and it was Lars, "The working group had..." no I was just reading it. Anyway I just think - I think it might have been deleted. I'll go through yours and find the confusion.

Mikey O'Connor: Yeah, I think that's right.

Holly Raiche: Yeah, okay.

Mikey O'Connor: Okay. Anyway okay back to James. I've given everybody control of the screen again so you can change the size and do whatever you want.
James...

((Crosstalk))

Mikey O'Connor: ...is in...

((Crosstalk))

James Bladel: Actually, Mikey, it was for a different working group, the implementation of IRTP-C recommendation so it's not part of this report.

Mikey O'Connor: That's why I was having such a hard time figuring out what...

James Bladel: That's why I couldn't find it.

Mikey O'Connor: That's cool. That saves us a lot of work.

James Bladel: Yeah, because that was a doozy that we found. But fortunately at least well there's a lot of overlap between this group and IRTP-C so not everybody's totally off the hook but for the purposes of this particular effort it's not something we have to finish. Cool.

Mikey O'Connor: My mistake. I now see that it's in that other list. My apologies. Too many IRTP lists. Anyway so back to you, James. I'm going to sort of give the meeting back to you because I think people really, really, really need to read this draft because I beat it up from front to back. And make sure that there

aren't issues in here. But there's no way to go through all the - you can see just from the dense activity...

James Bladel: Yeah.

Mikey O'Connor: ...over on the right that this is a pretty substantial revision so back to you.

James Bladel: Well here's what I'm proposing, I'm proposing that we do two things - or three things. First of all that we end this call a little bit early, we've got about 25 minutes left; that we circulate this revised draft and a clean copy which I think is fairly simple to do to both show, you know, two different documents would be circulated, and that we ask folks to review that prior to next week's call.

And that, thirdly, we then prepare the Survey Monkey poll with the preliminary recommendations and the charter questions and ask that folks respond to that poll by the end of day let's call it midnight Pacific on Friday.

So those are my three propositions: end the call, circulate a new version of this - of this revised draft and then prepare the Survey Monkey and launch that link by the end of day today with - require the responses by the end of the week. Anyone have any objections to that course of action?

The agree mark, Mikey.

Mikey O'Connor: I have a massive objection and that is..

James Bladel: Okay.

Mikey O'Connor: ...let's make it consistent with everything else, 2359:59 UTC, let's not...

James Bladel: Okay.

Mikey O'Connor: ...cute with the time but other than that it sounds fine.

James Bladel: Yeah, that's fine. Okay. So end of day on Friday. And, you know, honestly if they trickle in over the weekend we can maybe catch up on them but to be sure that your vote is counted - and I didn't say the V word there, I'm sorry, to be sure that your voice is heard make sure that you respond by the end of day Friday.

Okay so that's where I'm going on this. And then, Berry, you're correct, we would review that next week and certainly would not make a final call on the consensus level until right up against that deadline on the - for sufficient. So okay so with that if no one has any additional items of business then we can adjourn for today. And then Lars and Mikey, can we schedule a time this afternoon to circle back and chat about that - chat about the Survey Monkey?

Mikey O'Connor: This is Mikey. If you can hang on to the call right now I'm in the middle of a blizzard and have to get a couple hundred miles this afternoon...

James Bladel: Oh yeah, let's do that then, Mikey. Yeah. I'm in the same weather system right now and it's nasty out.

Mikey O'Connor: Yeah. So let's just hang on this call for a bit and then...

James Bladel: Yeah.

Mikey O'Connor: ...we can stop the recording and all that but...

James Bladel: Okay.

Lars Hoffman: Sounds good.

((Crosstalk))

Holly Raiche: Okay, the rest of us can leave you.

Mikey O'Connor: Yeah. Yeah, we'll...

James Bladel: We'll work on our homework so thanks, everyone. Please watch the mailing list for those two action items, a draft that needs to be reviewed and a survey that needs to be completed.

Holly Raiche: Okay.

Nathalie Peregrine: Excuse me, this is Nathalie. Would you like the recording stopped?

Holly Raiche: Thank you.

END