

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 25 August 2014 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 25 August 2014 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-20140825-en.mp3>

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

Attendees:

Barbara Knight – RySG
Graeme Bunton – RrSG
Volker Greimann – RrSG
Arthur Zonnenberg – RrSG
Kristine Dorrian – National Arbitration Forum
Avri Doria – NCSG
James Bladel – RrSG
Alan Greenberg – ALAC
Angie Graves- BC
Kevin Erdman- IPC
Bob Mountain - RrSG
Bartlett Morgan-NCUC

Apologies:

Paul Diaz – RySG
Holly Raiche – ALAC

ICANN staff:

Amy Bivins
Marika Konings
Lars Hoffmann
Berry Cobb
Steve Chan
Terri Agnew

Coordinator: Excuse me. Recording has just now started. You may now proceed.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the IRTP Part D Working Group on the 25th of August, 2014.

On the call today we have Volker Greimann, Angie Graves, Barbara Knight, James Bladel, Kevin Erdman, Alan Greenberg, Avri Doria, Graeme Bunton and Kristine Dorrain.

We have apologies from Paul Diaz and Holly Raiche.

From staff we have Amy Bivins, Marika Konings, Berry Cobb, Steve Sheng, Lars Hoffman and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes.

Thank you very much and back over to you James.

James Bladel: Thank you Terri. And good morning and welcome everyone to IRTPD for August 25th and thanks to those of you who are participating from vacation.

Does anyone have any updates to their Statements of Interest, please indicate so in the Adobe Room or to my attention on the call.

Okay, seeing none. Does anyone have any questions, concerns or additions to our agenda which is posted in the right hand column of the Adobe screen?

Okay, great. Let's dive in.

So we are very near the end of putting the finishing touches on our final report and our final recommendation. There - last Monday there were some edits sent around by Arthur. Some proposed language changes. And I believe and Lars is going to interrupt me if I'm wrong. But I believe that this version of the document has those proposed changes highlighted so I'd like to go through those fairly quickly. And see if everyone or the group is okay with those proposed changes or whether or not we need to discuss them further.

So perhaps Lars that would be a good place to start and we can dive in there. Can you take us to the first change which I believe is this is associated with the - I can't scroll so is this a change to - this is a new section that would be added to the - I'm sorry. Lars I see now that your hand is up. Please take it away.

Lars Hoffman: Thanks James. Yes. I believe I just try to sync everybody. It's on Page 30 is where it's at. It's more than just an edit. It's almost - well it's almost two pages.

I'm - I keep you on sync for a moment. So it starts on Page 30 with new summary data. And it's (added) by me because (obviously I've a document) and I copied and pasted those over. There's others - these are other edits that I just copied and pasted in there.

And then they continue on Page 31 I've (another comment) on this which (broadly) it's (unintelligible) (dated).

And then it goes onto Page 32.

James Bladel: Okay. So let's...

Lars Hoffman: (I believe you are).

James Bladel: ...take a look here.

Lars Hoffman: I got back up to Page 30 and I'm releasing it for everybody so you can scroll in and out and (go up to the top).

James Bladel: Thank you. So these span between Page 30 and the bottom of Page 30 through Page, did you say 32?

Lars Hoffman: Yes.

James Bladel: Halfway through Page 32. Okay, so my first observation is that and this is going under the observations of the FOA Section in response to I believe charter question F. Yes, correct.

So my first just initial reaction is that this is a fairly lengthy edit. And I'm wondering if there's any opportunity to condense it while retaining the points that Arthur is speaking to include in our report here just noting that it is. Not making any comments on its content, just noting the length of this document.

But let's go through it here where we say - where the proposed edit begins at the bottom of Page 30. New preliminary data related to necessity of the FOA but not yet collected. And response to this charter question was presented by one of the working group members.

The data contained TLD transfer of banned air fail rate defined by the number of registrants who after one or more attempts opted to cancel their transfers. Such cancellation could be due to the registrant changed their mind or the registrant find they are too - (B) too complicated and given up; or C, is otherwise cancelled.

Alleged numbers for gTLD Transfers DOTCOM is a rate of 26.5% whereas for ccTLD and (LEU) being examples is a rate of 8.7% and 12.2% respectively. We touched on this a bit and rate of gTLD transfers could be a reason for eliminating the FOA as less registrants will give up and (more would succeed).

This could increase user-friendliness of the IRTP. Members of the working group have found the FOA possibly blocking legitimate transfers as well as acting (primitive) and choosing a new registrant (unintelligible).

So it seems like just if I could stop there for a moment, first off, it seems like that last sentence is really captures the essence that Arthur who I believe is on the call that I don't see in the room is trying to insert here is that some members of the working group have found that the FOA potentially blocking

legitimate transfers and acting (primitively) which, you know, restating that would be that it is an inhibiting registrant ability to choose in a registrar. It's suppressing customer choice basically.

So I think that's the point of this. I think that it's not correct to state the three issues given because as we discussed as a group there was a fourth reason which is that the FOA could be operating exactly as it was intended to be and it stops an illegitimate transfer. And there's no way to tell that from some cases.

So wonder if we could stop on this. I'm just looking at this first two paragraphs here and Arthur, you know, feel free to weigh-in here. You know I believe that we can condense this - these two paragraphs to the statement with, you know, we're preserving some of the statistics here to compare DOTCOM to DotNL and DotEU that this could be condensed into a single sentence or two, so looking for some thoughts on that, Volker.

Volker Greimann: Yes. First of all, thank you Arthur for the preliminary draft. I think it's very interesting. And I think we should include some language to take care of these concerns.

However it's like James said, it's a bit pushing in one direction. It's one - a bit one-sided when you describe the reasons for failing transfers as mainly a blockage of or unintended consequence of the FOA. Also objects to the inclusion of new preliminary data because there has been no study, no checking of the data, this is - I have no - this is data from one registrar understand and therefore it - we have no way of grading that data or evaluating that data at this stage.

And I personally I hadn't even had a chance to look at the data, the sources so referring to this data that we haven't really checked or looked at in detail in the report maybe a bit overreaching.

James Bladel: Thank you Volker. Alan.

Alan Greenberg: Thank you. I tend to agree with Volker. I can certainly live with keeping the data there but I think that the paragraph after it has to present all of the possible interpretations. I mean DOTCOM and DotEU and DotNL are very, very different beasts. The process for getting registrations, there are different sets of rules. We know that there are all sorts of differences amongst how the TLDs are used.

And therefore I think if we're going to present data and say this is the interpretation we're going to have to give all of the interpretations which is going to make this much longer and end up effectively saying we don't know what it means because we really don't have the ability to understand what the dynamics are that are completely at play here.

So, you know, I prefer not to see it because of the limited scope and limited understanding. But if it is going to be there we've got to present all of the interpretations, not just one side.

Thank you.

James Bladel: Thank you Alan. I went ahead and put myself in the queue to weigh-in on this. Because from a personal perspective I think I'm agreeing with Volker. But I'm not sure. So let me just explain here.

I would - I don't believe that the comparison is - it's interesting but I don't know that we can make a direct comparison to (being) DOTCOM and ccTLDs in particular some that are listed. I think that a better comparison might be well first of all, COM is a thin registry so it might be difficult to compare to any big registry which would be anything else really.

So I tend to agree that their data is one, you know, coming from one registrar or actually two. I think (Rob Golding) also introduce some data at some point. Maybe we didn't capture it in the report. But I think it's in an email.

So I think that we're talking about some data from some registrars that question whether or not that's representative of the experience of all registrars.

And I don't - I also don't support the idea that we can determine what the intention of a registrar was simply by looking at some of these statistics because as the report notes and as we've discussed there could be a number of reasons some of which are listed here, some of which might not be listed here.

So my proposal to the group would be to retain the primary point that's being made by these two paragraphs which is some members of the working group have observed that the FOA could be blocking legitimate transfers and acting to prohibit registrars from choosing any registrar. I'm sorry, registrants from choosing any registrar.

Data or statistics have been offered but the data set may not be complete and it is difficult to determine the intention of a registrant based on the data. We can say that or we could just leave it out.

Something like - but then we could say something like we should work to reduce this rate of abandonment of gTLD transfers, you know, maybe setting that as an aspirational goal.

So, you know, I'm thinking we can really boil down these two paragraphs into something like that which I believe captures the essence of the point that Arthur is proposing.

So I'll lower my hand now and then go back to the queue which is Volker.

Volker Greimann: Yes, thank you James. I think that's a very good suggestion to boil it down to the essence of (which) however not use the word blocking legitimate transfers but rather say complicating the legitimate transfers because there is no block. It's just a complication. It's just an additional step. It's not a

blockade in any way. Blockade would be (look it's been) removed so the registrar not allowing a transfer in similar issues. So that's one thing.

James Bladel: So complicating transfers.

Volker Greimann: Yes.

James Bladel: Would you prefer that term?

Volker Greimann: Yes. I wouldn't say blocking because I think that it has a negative connotation that is problematic. And I would also say that if we are looking at a reduce - if we are suggesting that we would look at reducing the amount of fail transfers we should include language that says reduce fail transfers without comprising domain security or something to that effect.

James Bladel: How about reducing the rate of abandonment of legitimate transfer attempts or something? Use the word legitimate (unintelligible).

((Crosstalk))

Volker Greimann: Yes that's good.

James Bladel: Yes. We definitely want to continue to block illegitimate transfers.

Volker Greimann: Correct.

James Bladel: Okay. Lars I don't know if you're getting all this.

Lars Hoffman: I can't see what's happening. But I'm taking notes and I'll be going through it.

James Bladel: Okay, thank you. Hopefully we're making it easier by condensing rather than expanding some of the language.

Okay then let's continue. The queue is empty so we can go to the next sentence here. For this data it should be noted that the FOA currently cannot be singled out as a sole source of such a difference (unintelligible) rate. This data is also relevant to the client transfer prohibited status.

However requirements of the status have recently changed. And then it's quoting a updated policy which says that registrars may only set a domain name in client transfer prohibited status on registration or subsequent request by the registrar name holder provided however it (goes) to registration agreement obtaining the express consent of the registered name holder and terms and conditions upon which (unintelligible) transfer the domain name.

As noted in 4.1.1 IRTP related data, 42% of the complaints came from compliance was found to be invalid. So if so many complaints do not understand the IRTP a possible reason or limiting FOA could be simplification. Again this could increase user-friendliness of IRTP and drastically reduce (unintelligible) compliance.

So I'm actually not really sure how to - I think this is adding some flavor and background to, you know, to the previous section but I don't know that it's necessarily necessary here. You know I think referring to the new policy is, you know, something that we could point out that we could expect for example that when this new policy change goes into effect which I believe is January, 2015 that we expect some reduction in the rate of fail transfers because of this - these new rules regarding the use of client transfer of prohibited status. We could say something like that.

But otherwise, oh I see I have a hand up. Alan go ahead.

Alan Greenberg: I'm - I feel very uncomfortable with the paragraph on 42. That references 42%. Forty-two percent implies that what 58% are not invalid. And that's enough to win most elections. If we're going to quote numbers I think we really need to do detailed analysis of what they mean and not just give an interpretation of them.

So I just feel very uncomfortable with numbers like that. I mean if it was 97% of all registry - all complaints are invalid, it would be a different situation. You know or 3%, whatever.

But I don't feel comfortable with it as it is right now.

James Bladel: (Thanks Alan). I tend to agree. It does feel like we're - you know I think that the term is cherry picking one particular data point to (support a) point here. I think that, you know, we have and should continue to say that the FOA is one reason why the IRTP is a complicated process. And that it is not easily accessible by registrants.

So I would propose and looking for the group to, you know, tell me if they agree or propose alternatives. But I would propose that we boil down the first two paragraphs here as noting that some fail transfers are the result of the use of the client transfer prohibited status. The rules regarding this had recently changed. We can link to the policy. We expect that or, you know, we expect that this will have some impact in reducing the fail transfers resulting from this status.

And then that we drop the section regarding the statistics about complaints to ICANN Compliance and we just basically boil those three sections into one statement like that.

I see an agreement from Volker and a hand from Alan. Go ahead Alan.

Alan Greenberg: Thank you. Not a suggestion on this particular paragraph but I'll call attention. When I made my comment on the FOA several weeks ago I suggested that there certainly are strong feelings that the FOA may not be necessary anymore.

But there are strong - there are a lot of changes that are in place, some not enacted yet. We're making more recommendations. And a year or two down

the road we may well be in a position to again review whether the FOA is really necessary or not and that I think is the appropriate time to do a more detailed analysis should we choose to go down that road.

There are just too many things clouding the issue right now. And, you know, I think we need to defer the question noting that there are strong - there's some strong beliefs that it is not necessary anymore.

James Bladel: And that's an excellent point Alan. Can I ask you to hang onto that? Because I think that's starting to sound like something that we can use to button up this entire charter question really is...

Alan Greenberg: Okay.

James Bladel: ...that what you just said is that, you know, we have some strong views that the FOA is a problem. It - what you just said. We need to kind of recapture that and (unintelligible).

((Crosstalk))

Alan Greenberg: I will be glad to say it again. I'll note a year ago it would have been a really dumb thing to say is that we can go back to this in a year. Because the concepts of how do you go back to it and opening up a PDP was unimaginable at that point. With the work going on in the Policy Implementation Group right now I think it's going to be viable.

James Bladel: Okay. Okay, thanks. Okay, the next section has a couple bullet points here that are proposing to reasons to eliminate the FOA. And so the other reasons to eliminate the FOA are, the FOA does not uniquely identify the registered name holder. And that FOA has done an authorization, already performed by the exchange of the (auth info code) between the registrar of record and the current registrants - between the current registrants and the gaming registrants if applicable and between the gaming registrant and the gaming registrar.

And the third point is if there is a gaming registrant and a gaming registrar, the FOA if it's the wrong registrants, the current registrant should confirm the change of registrants not the change of registrar.

However in looking through found several reasons the FOA should not be eliminating. Currently the working group found that the FOA has a role in auditing transfers by registrars during outreach. A point also made by clients and result in conflicts.

I would add that this was also included by the (foreseen and) (NEF), the panelists. I'm trying - I'm stumbling on the word here. Sorry Kristine, the independent dispute resolution providers.

In that respect the double authorization, it comes with use of FOAs for any remaining transfer is a useful step that can contribute to resolve transfer conflicts. By confirming the validity of the transfer and the authorization the user with access to the registrar email address, (soon) to be a registrant and in many cases identifiable even if fraudulent. And then there's an example here.

I think that we captured this sentiment somewhere in our report earlier. So let's just - kind of let's take a pause here and take a look at what we're saying here. We've got some points here which I think are good and want to preserve them. However I think once again we should probably look for ways we can condense them to make sure they're presented in a balanced manner.

So other considerations that could lead to the elimination of the FOA are that it may not always uniquely identify the registered name holder, that the FR - the FOA is redundant with the exchange of the (auth) info code.

And that the third bullet point I'm thinking is confusing with the change of registrant procedure that we're working on in IRTPC. I'm not sure if I don't

have that one in front of me. I'm not if that's still the case. The gaming registrant and the gaming registrar would be sent to the wrong registrant.

So I think that actually this IRTPC change of registrant procedure does ask that the change of registrant occur - well actually asks that the change of registrar occur before the change of registrant. But we should probably confirm that.

So I think that those first two bullet points could be condensed into a sentence or two that says something to the effect of what we just stated.

And then transition to, you know, on the other hand working group found several reasons why the FOA should not be eliminated.

And then note some of this here which may be already covered up above in our earlier draft of observations.

So Lars I hate to punt this onto your lap here but I think that we can reduce the language here as well by just kind of reinserting some of the language that we used above or even just move it from earlier in this observation section down to this section at the bottom of Page 31, green checkmark, great.

Okay and then so the last few here and please anyone do, you know, please don't be shy. Raise your hand if you (got to it).

Okay. Another important decision to make in favor of FOAs is that gTLDs are not ccTLDs. The registration agreement often presented by gaming registrars is the only registration agreement a gaming registrar has and gTLD registries do not offer to enter into such an agreement with registrants.

In addition ccTLD registries can do policy transfer disputes. This does not apply or is not desired for gTLD transfers and registries.

So I think this is an important contrast here. There's two important points that we need to capture here which is that - but I'm not - I want to see if we can capture these points without directly preparing to ccTLDs. So something along the lines of another important reason to preserve FOAs is that the gTLD does not have a direct relationship contractually or otherwise with the registrant.

And that the gTLDs do not directly resolve transfer disputes, something like that. Without comparing to ccTLDs we can say that there is a weakness here and that's one of the reasons why, you know, we might propose to keep these.

I think that the next sentence here or the next paragraph, the primary reason for not eliminating FOA however is that IRTP Working Groups, a (DC&D) and to improve existing policy, not completely rewrite it if the FOA turns out to be a big contributor to abandon rate.

The GNSO Council wishes to truly increase user-friendliness. Solid metrics are necessary before the FOA can be eliminated in which time the efforts have been invested into it. Currently this Working Group is not confident to take a drastic measure based on one set of data alone. Clear and quality data metrics are necessary. See Recommendation Number 18.

I don't necessarily disagree with this statement. I just am worried that the optics of this seems a little self-critical. You know I think that I wouldn't say that's the primary reason for not updating the FOA. We certainly had the ability to do so based on our charter.

But I wouldn't - I would like to preserve the point about and I think this goes back to something Alan said earlier which is that, you know, we need to revisit this particularly when all these other issues that are currently unimplemented come into play that we can revisit this and see if it still makes sense and then put some actual industry wide data and statistics behind it.

So I think I've got a queue here. I'll go to Volker. You're up first.

Volker Greimann: Yes, thank you James; Volker speaking. One thing that we should really take great care of when we look at these addendums is that we phrase them in a neutral way so we shouldn't say X is necessary before Y can be implemented or the primary reason for not doing X is the - is (Y). And we should rather try to say we found that there was not sufficient movement or reason to or not sufficient evidence to support a removal.

We shouldn't say - because if we say before this can - before the FOA for example can be removed this, this and this has to happen, then this (sort of) looks like this actually what we saw as the final result, as the end goal.

Now this can be a result in an end goal. But to phrase the report in this way would indicate that this is actually our goal when in fact there was not a discussion about it. And while there was support for it there was also a position.

And I think we should be very, very careful to write in the way that neither says we do not want to eliminate the FOA ever or say if we want to eliminate the FOA which everybody wants then this and this has to happen before.

I think we have to find some middle ground in this current language and support that.

James Bladel: Thank you Volker. I tend to agree. I think that we don't want to presume the outcome which is that we don't want to start from a premise that the FOA is a problem and needs to be eliminated or we don't want to start from the premise that the FOA is not a problem and then therefore should be preserved.

I think we want to sort of capturing what Volker is saying is acknowledge that the FOA is a potential for a problem and that it should be examined. And that we have a number of changes that will affect whether or not - we'll eliminate

some of the other contributing factors so we will have a clearer picture at some point in the future whether or not this, you know, is a contributing problem.

So something along those lines I think Volker would help to neutralize the language so that, you know, that we can say essentially what we were trying to say which is that the IRTP is complicated and it fails frequently for a number of reasons. One of those reasons, you know, is potentially the FOA.

And yes, I get what you're saying. Alan you're up next.

Alan Greenberg: Thank you. I have a real problem with the first sentence. I think it's largely wrong. We weren't chartered to rewrite the IRTP, although I daresay if that's what we decide we had to do it may well have been within our scope. But that notwithstanding, there's nothing to say that eliminating the FOA would not be an improvement if indeed we had found that, you know, clearly.

We didn't - we have not found that clearly but I don't think there was any reason within our scope or our mandate that we couldn't have eliminated it should that be appropriate. So I think the bulk of that first sentence is just wrong.

James Bladel: Thanks, Alan. Yeah, that's kind of what I was going for as well. I think that we could have thrown the FOA overboard; it was one of our charter questions. But based on I think the discussions on either side, you know, it was determined that that was maybe not the (unintelligible) path forward and that there were benefits, you know, it was weighing the costs and the benefits together.

((Crosstalk))

Alan Greenberg: It would be hard to say one of our charter questions is not allowed so...

James Bladel: Right, it was in our charter. Yeah, I think that that paragraph - I actually have issues with that paragraph just - the first sentence, as you noted, is probably not correct. We could have, you know, the primary reason for not eliminating the FOA was that there was strong support for keeping it for a number of reasons. That said, there are some positions that call for its elimination.

I think that this paragraph probably needs to be thrown overboard and perhaps replaced by something closer to what we were discussing which is that there are a number - similar to what you were saying earlier, Alan, which is that there are a number of factors that contribute to failed transfers and the over-complexity of this policy and the FOA is likely one of them.

But, you know, we do not have sufficient data, you know, to support its complete removal and that we should revisit that when some of these other factors are clearer. Volker, go ahead.

Volker Greimann: Yes, I think you're completely right. We do not want to go into too much detail here. I think we should highlight that there was a discussion of whether the FOA should be removed or not, that this discussion resulted in I think most of - a majority or - quite large consensus group that confirmed that more data would be needed and maybe even highlight a few issues with transfers that could be caused by the FOA but is not clearer from the data that we have that this is actually the case.

And therefore we have decided to keep the FOA as it is for the time being and propose that this will be looked at again at a later time. That should be, I think, the maximum amount of what we should say here.

James Bladel: Thank you, Volker. I tend to agree. Lars, I typed in the chat I hope this is making sense and I think that Alan's earlier statement really did a good job here of kind of putting a button on this conversation here about the FOA, at least the observations. Lars, go ahead.

Lars Hoffman: Yeah, thanks James. Yes, I think (unintelligible).

James Bladel: Oh, serious echo.

Lars Hoffman: (Unintelligible) I will go through the transfer when it comes out tomorrow evening so I'll send it out and I'll (unintelligible) before I send it out. Thanks.

James Bladel: Thank you, Lars. And thank you to Arthur too. I think that, you know, beginning with his comments submitted and also by offering the - this language it's been very, you know, I think a very useful discussion. Lars, is that a new hand?

Lars Hoffman: Sorry, that was an old hand.

James Bladel: Okay there it goes. Okay, then let's see, moving then to Item Number 32, we see some recommendations here. I believe the wording of Recommendation 17 was a result of our previous call. Yeah, I think that that is correct. Let me just see here. I don't know if problems is the right word.

And we say as light as issues involving - or complexities of FOAs in situations such as, (all) transfers, comma, merger between registrars and/or resellers, comma, and the working group recommends that operability of the FOAs should not be limited exclusively to email. Possible improvements include transmission of FOAs via SMS or authorizations to interactive Websites, any innovations must, however, have auditing capabilities and - yeah, that's fine by me.

And then the note there I believe that was recommended by some folks in the after market regarding whether or not these affected - whether the transfers take place in advance or in real time.

The next change is 4.2.7.2, we go to recommendations. And then this is an add-on from Arthur to Recommendation 18. Recommendation 18 is, I believe, the - let me just see here real quickly because this is the first time I'm seeing this.

Recommendation 18 is, I believe, the recommendation that we were saying that once all the IRTP recommendations have been implemented, including IRTP-D, you know, the working group - ICANN through the GNSO commits to convene a council or a panel to discuss these topics and collect and analyze data, recommend whether (unintelligible) improved the process and identify possible existing shortcomings.

Then I see here that Arthur has added some proposals, such, the review should include, but not be limited to, the number of uncompleted transfers both before and completed as well as abandoned transfers collected by registrars, stages in the transfer process which transfers are abandoned, where an abandoned transfer means any number of uncompleted transfers that are not followed by at least one complete transfer collected by registrar for the registry or ICANN.

Number of times registrars are contacted by registrants for transfer support. Number of times registrars worked informally with other registrars to request or to affect a reversal of transfer. Number of times they - that they experience a registrar who claims that their domain name has been hijacked related to an account compromise. Percentage, use of client transfer behavior status by registrars collected by registrar per the registry of ICANN.

The number of complaints ICANN Compliance or registrar received about the 60-day transfer lock client prohibited, transfer prohibited status or the FOA. And then if after a period of 12 months of such a review the GNSO, with ICANN staff, determine that the situation regarding transfers has not improved then the working group recommends a top to bottom reevaluation of the transfer process be undertaken the goal of which to create a simpler, faster and more secure policy that is more readily understood, more accessible, at least by registrants as per the recommendation that the transfer - that a security expert be included in any such review of the working group should, for example, a real two-factor authentication be required that is implemented according to industry standards.

Okay so here are my just off-the-cuff reactions. I feel like this language is trying to design that review in this report whereas we've already indicated that that would be the purview of a follow up work as commissioned by ICANN to the GNSO Council.

I think that the last paragraph is really what we want to say which is that, if after a period of X the GNSO Council determines that the - that these policy changes from IRTP-A all the way to IRTP-D have not improved the transfer process as measured by, you know, we can say by statistics gathered, then the goal - then the working group recommends that the Council consider a top to bottom reevaluation etcetera, etcetera, with the goal of creating a policy that is simpler, faster and more secure.

We can say security expert but we can also say that the SSAC be consulted and that I think we kind of leave it at that. So that's my thinking here. I see there's a queue forming, and I see there's a lot of stuff going on in the chat. So let's go ahead with Bob, you're up first. Bob, you may be on mute. Bob, let's go to Alan first and we'll give you a chance to - no, cannot hear you. Let's go to Alan.

Alan Greenberg: Yeah.

James Bladel: And then, Bob, you can come back - sorry, you'll get the second word, Bob. Alan, you're up.

Alan Greenberg: Okay, thank you. I also don't think we should be designing the follow up review here. On the other hand I'm always reluctant to draw, you know, we've done a lot of work and if it doesn't make its way into the final report even though it may be in some ancillary document, it's lost to history to a large extent.

So I would not mind keeping it but I would change the word "should" to "could." In other words, we're not trying to design it but we've captured some

things that the - a future group might want to look at and we're documenting them. And with that change I can pretty much live with the laundry list.

James Bladel: Okay thanks, Alan. Yeah, I tend to agree that once they're gone, they're gone forever. And I'm just wondering if this is the right place for them, this is the recommendation. So I wonder if we can capture this - this bullet point list...

Alan Greenberg: James, if I can but in? How about putting it in a footnote? Then it's in the report but it's not really, you know, part of our formal text.

James Bladel: So I'm fine with that. I was thinking you could also move it back up into the observations of the working group, something like that.

Alan Greenberg: Sure.

James Bladel: You know, either way works for me, Alan. I agree with you, we shouldn't throw it away completely because then it's impossible to bring it back, you know, if and when it's needed. However, I just - I feel like we're trying to design a follow up study but this is a recommendation; this is the part that, you know, will actually go into the motions that you and I and Volker all vote on. So it feels like this - these need to be cleaner.

Alan Greenberg: I agree.

James Bladel: So, Bob, are you back on? I actually had Marika up first and she's going to help us out through this year, so Marika.

Marika Konings: This is Marika. I'm not sure if you all consider it helping out but I'll make my point. And one reason why you may want to keep indeed this list in is, you know, you probably need to look at as well like how, you know, what and how is information going to be gathered to help, you know, inform this panel or is it the view that as a starting point the panel would actually need to start collecting information.

Because I think one, you know, I think as commented on previous discussions as well that of course in all these items, you know, further data and information will be needed not only from what we can gather from ICANN compliance but probably also from, you know, what registrars or contracted parties can provide.

So, you know, one advantage of, you know, starting with such a list could be that maybe that as a way of starting conversations with, you know, parties involved on how we can already start keeping track of some of this information. Because if indeed if we're looking at trends we probably need to start measuring now and not at the moment when implementation has finished.

And my other point, which I also made in the chat was in relation to the first or the second sentence of the actual recommendation which talks about through the GNSO I'm wondering if it would be helpful there to actually be a little bit more specific about what "through the GNSO" means. Does that mean with the approval of the GNSO? Is the GNSO supposed to convene this panel? Is ICANN convening the panel but it's expected to invite the GNSO - it's not completely clear so it maybe good to be more specific what that actually means.

James Bladel: Okay. Thanks, Marika. So I think that that's additional support for keeping the bulleted list but an acknowledgment that registrars should be encouraged to examine this dataset now and understand what, you know, what could be tracked - what they're currently tracking and what could they, you know, what they could track as a best practice in advance of that review.

And I think that probably, Alan, takes this list out of a footnote and puts it back into the observations as we discussed. So, Lars, I hope you got that because we will want to capture it but we will change it from "should" to "could" and then we'll note that as a best practice registrars should be examining this list and tracking this data if they are not already doing so.

Then, to Marika's second point, you know, I guess there's two ways to go here. We could say specifically which group we want to undertake this review or we can say essentially the community and leave it vague like that and of course that leaves it kind of floating out there and then it's much more likely that something doesn't happen.

So my recommendation is that we specify that, you know, the GNSO Council, you know, together with ICANN staff should determine that this, you know, this (unintelligible) convened a working group of volunteers, something like that. I don't know if that addresses your concern specifically, Marika. You know, I think that, you know, something like if approved.

And then, you know, if it's not working then maybe that becomes Recommendation 19 to follow up. But I think that we're already kind of hitting on that in Recommendation 18.

So let's go to Bob. Hopefully you have your audio resolved. Bob, are you there?

Bob Mountain: Can you guys hear me now?

James Bladel: Loud and clear. Take it away.

Bob Mountain: Oh great. Okay, I finally figured it out. I think most of what I was going to say was captured. I support the "could include" and I think that would do a lot. I actually think there's a lot of good material here myself, these points are very we made. I just think they're - it's probably halfway there and with the benefit of I think some really, you know, some good, you know, good work and good digging could be more comprehensive.

I'm a big fan of getting data and making our decisions based on, you know, data confirming that we have a real problem as opposed to the optics of a problem. So I do think there's some good material here. I would support it but I would agree it probably would benefit from a, you know, from a little bit more

work to structure it and research it and make sure it's what we're looking to get out of this before we recommend further action.

James Bladel: Yeah thanks, Bob. Yeah, and I think that that's, you know, in line with where we're landing on this one as a group is that this is a good starting point. It's a brainstorming list so it probably needs some things added to it and maybe some things clarified. But I think that - or at least I believe that everyone is in agreement that it doesn't really belong in the recommendations, it feels like it belongs somewhere else and we keep the recommendations as clean as possible.

So I think that that is where we're kind of coming in for a landing on this charter question and on this recommendation. So, Lars, hopefully you have that captured - those changes because I know we were flying around pretty quickly there. So, yeah, okay great.

Okay so then let me scroll down here and see - I think that we're getting close to the end of our hour if not our actual changes. There's some changes on Page 35. And, Lars, can you help me - are those also changes that were proposed since our last call or are those redlines from a previous session? Lars?

Lars Hoffman: Sorry, James. On Page 35 the public comment forum on the initial report.

James Bladel: Yes, yes, public comment forum on the initial report Section 5.2, is that new since last week?

((Crosstalk))

Lars Hoffman: Can you hear me?

James Bladel: Yes, yes, is that new from last week?

Lars Hoffman: I'm sorry. Yeah, no on Page 35, I mean, this is not different from last week, no sorry, it's not different from last week.

James Bladel: Okay. I'm also a little - I couldn't hear you very well, I'm sorry, Lars. It is, yes, or is not, no, new from last week.

Lars Hoffman: It is not new.

James Bladel: Okay, it is not new. I'm a little confused here, Section 5.2 is titled Public Comment Forum on the Initial Report and then the last sentence of Section 5.2 refers to Section 5.2 the Working Group Deliberations and Recommendations. I'm not following that. It's almost like it's referring to itself, maybe it's just a numbering artifact here where it's really referring to Section 5.1, I don't know. Take a look at that.

Lars Hoffman: Yeah, so James, it's me again. Yes (unintelligible) it's because I moved a section - a section down that (unintelligible).

James Bladel: Okay. That makes sense, thank you. If we can just make a note to fix that little confusing bit. And then okay so that then brings us to really items 3 and 4. We have about 6 minutes left in our call.

So I think that we're at a good point now with the language in our report. So as a group, for those who are still awake and playing along at home, I think our next steps are that we need to determine the level of consensus for these recommendations.

Now I have, in the past, done a couple of different things. First off, we have surveys that we can use. Working group members can express their support for a survey, you know, for a particular recommendation or they can propose additional refinements to the language.

I have been cautioned by Marika and others in staff that that's not always, you know, encouraged in ICANN circles because it starts to smell a little

close to voting and, you know, and for other reasons it's not necessarily the preferred path.

However, I think that, you know, it has some benefit. It has the benefits of keeping the competing or contending edits on the list - on the mailing list down and it also reaches out to those participants that might want to participate in a survey that don't regularly attend the conference calls. So let's call them the passive participants who are monitoring this working group as opposed to participating actively on a weekly basis.

So my preference would be that we don't have a survey or that we use it very sparingly in keeping with Marika's guidance, that we only use it to, you know, absolutely help us unpack some of those situations where we just can't get to agreement.

Now that said, I think that we are approaching a point where these recommendations enjoy let's say unanimous or near unanimous or very strong levels of support. So what I would like everyone to do is two things: One, please read the recommendations. If not else the recommendations of the final report that Lars will be circulating here in the next several days.

These recommendations are - we're trying to shake out opposition here so if you don't have any opposition nothing - no action is required. But this is, you know, the speak now or forever hold your peace type of point in the process here where we want the oppositions, we want the concerns, we want the objections and we want the final edits to the recommendations.

If we get to a point where each of these recommendations are - find themselves without any active objections then, you know, my thinking is that those have achieved strong support, strong consensus support. And we would report them as such in our final report. However, we would then want folks to weigh in on - and clarify any of those issues where they would have objections.

So that's what I would like to do, number one, is read the recommendations very carefully and post to the list if you have objections to the recommendations along with your proposed edits that would address your concerns and remove your objection to that recommendation, that's Item Number 1.

The second item is just to read through the report generally so that we can catch little, you know, editing artifacts. Lars has been doing just a fantastic job keeping up with the flurry of changes and edits and proposed languages both on the calls and on the list.

But, you know, it's not a, you know, it's not an exact science as we found just a moment ago where we have just a numbering problem. Those sorts of things tend to accumulate as you go further and further into the revision process.

So if we could kind of crowd source this here a little bit and ask everybody to run through this I think we can shake out and find those typos, find those sentences where maybe we need to break them up or combine them because there's a comma missing. Just, you know, cosmetic changes to the report that don't alter the material substance but just make it a little bit easier to read.

And, importantly, then reports that are easier and simpler to read are easier and simpler and cheaper to translate and publish in multiple languages which is an important consideration. So that's my two asks of the group that next week read the recommendations and then read the report generally and look for those kinds of things that can be fixed.

Our next meeting falls on Labor Day in the US...

Arthur Zonnenberg: James?

James Bladel: Yes, who...

((Crosstalk))

Arthur Zonnenberg: James, this is Arthur here. Could I say some last words?

James Bladel: Very quickly. I did want to talk - Arthur, can you hang on just a second here? Because I think that we need to determine whether or not we're going to have a call next so if I could just ask you to hang on for just one moment while we do that.

Arthur Zonnenberg: Yes, okay.

James Bladel: Okay so, folks, can you - next week is a holiday and a lot of folks in the US will not be online. But can you please, using the green or red marks, can you please indicate whether or not you can still attend a one-hour call, you know, from the beach or from the, you know, from wherever and we can kind of get an idea of how many folks we're going to be missing here. And, you know, I'm looking for Canadians and Europeans to weigh in on this as well. And looks like the red marks so far are carrying the day, unfortunately.

Okay so I guess the answer is, Lars, we will not have a call next week. So let's - that maybe gives us an extra week - so if you're going to the beach or going to the pool or going to a barbecue or something like that, maybe take a copy of this report with you, you know, and just go through the recommendations. Yeah, I'm kidding myself of course, that'll never happen. I probably won't even do it either. So okay so we're off for next week.

Arthur, you have the last word; you have - we are at the top of the hour but I think, you know, based on your contributions to this last comment and recommendation we'll certainly give you the final word here.

Arthur Zonnenberg: Thanks, James. And you're not just kidding yourself, you're also kidding me. I'm laughing throughout. Thanks a lot for all the feedback. I've been taking notes and listening and listening. In general, yes, a more diplomatic

language can be used for my contributions. And we can also make it more condense.

I definitely agree on those general directions. I'd just like to mention that not just the picture tells 1000 words but data - data can tell a story as well. So if we're going to include the mentioning of abandon rate or fill rate it's good to provide some numbers as an example even if those numbers are not ratified or fully studied.

I would still like - still like to include them perhaps as a footnote or as a reference but at least give some indications of what the numbers currently are even though gTLD transfers and ccTLD transfers cannot be completely compared.

And the last thing about the Recommendation 18 it already was a laundry list. I've just clarified it to make it more concrete so it's more likely to get done. And, okay, I've added two items but for the major part it already was a laundry list that was there. So that - yeah that sums up what I would like to say for now. And thanks again.

James Bladel: Yeah, thanks, Arthur. And thanks for your - thanks for your contributions there. And certainly, you know, I think everyone agreed that that was a good list both as it was and with your additions just the question of moving it to a different place in the report. You know, if there's a way we can keep some of those stats I think that's a good thing so thank you.

And, Volker, you have a hand up.

Volker Greimann: Yeah, just a counter point. I think if we include numbers these should be vetted - have some basis that can be checked, can be relied upon. Just a data point from one or two data sources that are included in the report may give the wrong impression or cause - maybe cause for, how do you say it, misinterpretation later on. So if we include data or numbers then these should be - be able to relied upon not without checking.

James Bladel: Yeah, I agree, it sounds like a great topic that we can pick up in our September 15 meeting. And noting that the schedule now gets very compact if we want to deliver our final report by the document cutoff for Los Angeles which I believe we definitely want to do so let's be driving with that goal in mind.

Okay, everyone, sorry. Thanks for keeping a couple minutes after. I know some folks have already dropped. Thank you, everyone. Enjoy your holiday weekend, those of you in the US. Enjoy your transfer-free Monday, for those of you who are not in the US. And we'll talk to you soon.

Arthur Zonnenberg: Okay thanks.

((Crosstalk))

Bob Mountain: Thanks, James.

Terri Agnew: Once again, that does conclude today's teleconference. Please disconnect all remaining lines.

END