

GNSO
Domain Tasting drafting group teleconference
5 February 2008 at 21:00 UTC

Note: The following is the output of transcribing from an audio recording of the Domain Tasting drafting team teleconference 5 February 2008. 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/domain-tasting-drafting-group-20080205.mp3>

<http://gns0.icann.org/calendar/#feb>

Operator: Liz Gasster joins.

Liz Gasster: Hello.

Kristina: Hey, (Liz). How are you? This is Kristina.

Liz Gasster: I'm good. How are you?

Kristina: I'm well.

Liz Gasster: Good. Are you going to India?

Kristina: Are you going to India?

Liz Gasster: Yeah.

Kristina: When do you leave?

Liz Gasster: I leave tomorrow night, in the middle of the night.

Kristina: Wow.

Liz Gasster: Very excited. My first time

Kristina: Yeah. Are you going to have a chance to take any time after?

(Liz Gaster): Yeah, I'm going to do the Taj Mahal with various friends and colleagues right after it. Actually then I'm doing a wonderful thing for four days. I was born in Taipei and I've never been back since and my mother's flying over to meet me and we're going to spend four days in Taipei together.

Kristina: How cool.

Liz Gasster: She hasn't been back either so it's a pretty, you know, exhausting trip for her, but we're both really excited.

Kristina: Oh, that would be fun.

Liz Gasster: We're really looking forward to it.

Operator: (Tim) (Unintelligible) joins.

Kristina: Hey, (Tim). It's Kristina.

(Tim): Hi, Kristina.

Liz Gasster: It's (Liz).

(Tim): And, (Liz), how are you?

Liz Gasster: I'm good, real good.

(Tim): Good.

Kristina: Hey, (Tim), should we call each other at, you know, 1 o'clock in the morning on Friday night to make sure we're awake?

(Tim): Yeah, I'll be in (unintelligible).

Liz Gasster: You can both make your virtual cups of coffee then.

Kristina: Yeah, I went back and forth...

Operator: (Olof Nordling) joins you.

(Olof Nordling): Howdy, guys. Good evening.

Kristina: Hey, (Olaf).

Liz Gasster: Hey, (Olaf).

(Tim): Hi, (Olaf).

Kristina: Yeah, I ultimately decided that I'm going to try and do all the calls from my office because I'm more likely to stay awake.

(Olaf): Yeah, I should be on most of them. I could be traveling right in the middle of the weekend so I might miss a few things but hopefully not much.

Liz Gasster: Well, we have some new folks joining, right? I just wanted to look up...

(Marilyn): Hey, (Liz), this is (Marilyn). I'm actually going to monitor the call in place of (Glen). She's in transit to Delhi.

Liz Gasster: Okay. Great, okay.

(Marilyn): So I'll be on mute but I'll be listening. If you need anything let me know.

Liz Gasster: Okay. Thank you. So I think also we're going to have two other people from the NCUC. It looks like...

Operator: (Christian Curtis) joins you.

Liz Gasster: Oh, there we go.

(Christian Curtis): Well, speaking about it.

Liz Gasster: Hi, is this (Christian)?

(Christian Curtis): Yes.

Liz Gasster: Oh, welcome.

(Christian Curtis): Thank you.

Liz Gasster: It's Liz Gasster from the ICANN staff and we have several folks on the line already. We're just waiting for people to join so we were just mentioning that I think we do have a couple of additional participants on this call so you're very welcome. And I'm just wondering if anyone's seen anything. Wasn't (Mike) going to try to circulate some language?

Kristina: (Mike) and (Alan) and I had a big flurry of email last Tuesday and then I don't know that we ever got to the point where we were all in agreement. I mean we're in kind of general agreement on principal; we were just getting down to the nitty-gritty. And because I don't think we ever got there we never really sent anything out above and beyond.

So I think (Alan) – I want to say that I think (Alan) has got the most recent version of what we came up with. And I think, you know, my idea as I think was probably pretty clear from the council meeting was that hopefully we could discuss it and as long as we were in – oh, what's the working group window for, you know, nobody's vociferously objecting that perhaps we could try and turn it into a motion in time to get it posted tomorrow.

Liz Gasster: Right, right. You know, I'm just noticing that on this list he doesn't have (Mike). (Unintelligible), hang on.

Kristina: I know that (Mike) had trouble getting on the call last week but I don't know if that was an operator thing or not. I'm going to actually see if I can...

Liz Gasster: But I think we're still expecting (Mary Wong) also from the NCUC and then (Alan's) not on yet, right?

Kristina: Correct.

Liz Gasster: Okay.

Kristina: And (unintelligible) than (Joanne), then I'll just pick up where we are at least from the email.

Liz Gasster: And I think (Lynn) is already either in Delhi or on her way. So we won't hear from her for this but just so we can check to see if we get that. And, (Marilyn), I don't know if you have reach information for (Mike) but if you could try maybe to reach out to him and make sure he knows about this call and has to dial in. That might make sense.

The others I think are on the distribution so we should just give them a couple of minutes to hopefully join.

Kristina: Right. Well, and I think part of the reason I think we had talked about when everybody was leaving for Delhi when we decided to have this. And I think everyone is still, I think (Alan) and (Mike) are both still here in the state.

Liz Gasster: Here? Okay.

Kristina: Yes, the state and Canada respectively.

Liz Gasster: Uh-huh.

Olof Nordling: Well, anyway, (Olaf) here. Glen is most certainly underway, somewhere in the air between Nice and New Delhi.

Woman: Right, right.

Olof Nordling: A few hours ago I got a final SMS from here from the airport.

Woman: Quite a trip.

Kristina: So, (Liz), do you fly west?

Liz Gasster: I actually do fly west to Taipei and then to Delhi but when I was first trying to make reservations they kept giving me flights to, like through JFK and Frankfurt so it looks really pretty basically equidistance (unintelligible).

Well, maybe (Olaf) wasn't on the last call either, Kristina. Maybe if you wouldn't mind just sharing with (Christian) and who's new and then with (Olaf) where we are with sort of the thought that you – and I think it would help (Tim) too because, (Tim), you weren't on the last call either.

Kristina: Right, right, right. Right.

Well, I think most if not everyone has probably seen the new star funnel request by now and the proposal that we had talked about and let me just pull up – it's in nine different (unintelligible) into the email but the...

Hello? Is that (Alan) or (Mike)? Okay.

I think the proposal really came down to this. That notwithstanding kind of the personal disagreement that some of us may have as to whether

or not the AGP should be retained, that we recognized that it's a practical matter. There were some other uses of it such that it would pose some implementation difficulties and obviously some (unintelligible) recommendation difficulties in terms of getting something through if we decided to go that route.

So in short what we were tinkering with was language that would basically restrict use of the AGP to a defined number of deletes per month and that defined delete number would be either, and this is where we got kind of tricky on language, that the defined number of deletes would be 5% of the monthly average of new net registrations over the previous six calendar months.

Registrars accredited for less than six months would be allowed 1000 free deletes within an AGP per month until the seven months and then that 5% a month of average new net registrations formula should apply and that – oh, that's not even the correct version; I'm sorry – let me see if I can find the other version.

But that was really where we had started with in terms of just kind of philosophically in trying to come up with the right words and the right numbers and the right parameters and the right exceptions.

Let's see if I can find – I think the most recent one was that the defined number of deletes per month per registrar, that the delete number should be defined as the greater of 50 or 5% of the monthly average of new net registrations.

And then again kind of carrying on with the original language; that a registrar credited in the TLD for less than six months should be allowed

1000 free deletes within AGP per month until the seven months as a TLD accreditation or added registrations. Deletes in excess of the greater of 50 or 5% shall constitute speculation in domain names and be deemed beyond the scope of the AGP.

And again that's really where we were just really trying to get it down to language that was precise and language in terms of numbers that we thought did something that the registrars could live with. And obviously since none of us are registrars, we were kind of speculating so I think – personally, (Tim), I think it would be helpful, I realize you've just heard this but I'm wondering what your reaction to it is.

(Tim): It's sort of sounds a lot like what ultimately (Jeff) just posted.

Kristina: Right, exactly. And, you know, the idea was that as you know since we were involved in that group we knew that that was coming eventually but we didn't know when. We also knew that it wasn't all of the current players and that in order to avoid having to do something on kind of a piecemeal basis going forward as these new TLDs are introduced, that the most efficient way to do that would be to go straight to and to redefine the AGP in such a way so as to restrict its applicability.

(Tim): Right, right.

Liz Gasster: So where was that posted just to clarify that question?

Kristina: Which posted what?

Liz Gasster: So (Tim) was just saying about is it the same as what someone posted?

Kristina: Oh. New Star put in yesterday a final reply.

Liz Gasster: Oh, the New Star. Right, the New Star. I see. I just wasn't sure what he was referring to and I didn't see that.

Kristina: Yeah, yeah. Yeah.

(Tim): The only comment I would have, Kristina, just off hand, I mean personally I think it's great. I would much rather see a consistent policy than have each registry define something because we're going to end up with, you know, dozens of different implementations over time and that's going to be difficult to manage for registrars.

So the only comment I have right now though would be that if the 5%, it might reconsider it to the 10% if that's what (Jeff) and the affiliates is going to offer or going to propose. There might be some reason why they feel that that percentage is a better threshold based on their experience, whatever.

But I think they had the 50 minimum too actually otherwise.

Kristina: Right. Yeah, actually if I'm remembering correctly when we had talked I guess the last time we really all talked as a group was in September, you know, there was some suggestion about 5% and I know that they had a reason for not wanting to pursue 5% but I can't for the life of me remember what it is.

But kind of drilling down to the specifics of it, you know, obviously one thing that we have to do is figure out what the number is going to be

and what the percentage is going to be. The next thing is whether doing it tied to new net registrations is something that's going to be acceptable.

Just kind of parsing it out, I mean there's a lot of different areas where I would hate to see it get sidetracked.

Man: Can I ask – I'm a little bit confused by the language that you used. Would this act as a cap on the total number, sorry; a maximum number of free deletions or would this mean that if a registrar exceeded that amount that it would gain the benefit of AGP for none of those deletions?

Kristina: Kind of both in the sense that it's really intended to restrict what the AGP is intended to even apply to in the sense of once you go above and beyond that, the AGP doesn't even apply to those deletions.

Man: But does it retroactively no longer apply to the deletions that were not above and beyond that or does it only apply to any deletions that might exceed that cap?

Kristina: I'm sorry; say that again?

Man: I'm trying to think of a better way to phrase this. So if a registrar exceeds the limit does it still gain the benefit of the free deletions for the amount that was the limit?

Kristina: Yes.

Man: Okay.

Kristina: Yes. So everybody's going to get kind of that baseline whatever the percentage is and whatever the number is. And then it's above and beyond that that the AGP doesn't apply.

Olof Nordling: And, Kristina, this is (Olaf). Just a clarifying question. Then you intend that it could be for each registrar across all TLDs.

Kristina: Absolutely.

Olof Nordling: Yeah, okay.

Kristina: And I just got an email from (Mike). He didn't have the meeting on the calendar but is dialing in now so he should be on in a minute.

(Tim): Okay. So, Kristina, just on (Olaf's) question because I guess I wasn't quite taking it that way but just want to make sure. So it would be 10% of new registrations but you're not taking it per TLD. It's all TLDs combined.

Kristina: Oh, oh, oh, oh, oh. Okay, no, I'm sorry. Then maybe I misunderstood (Olaf's) question. The idea was that it would apply to all accredited registrars but that the cap I think as a practical matter would only be able to apply within each TLD because I don't see from an accounting way how you could have it apply kind of cumulatively without running into all kinds of, you know, trade secrets and antitrust issues and all those other things that we don't want to start stirring up.

(Tim): Yeah and if the idea is that after that threshold, then the regular registration fee would stick and not just the ICANN fee.

Kristina: Correct.

(Tim): It would have to be that way because otherwise it would be an accounting nightmare for everything and everybody.

Kristina: Exactly, absolutely.

(Tim): Yeah, okay.

Kristina: Absolutely.

Olof Nordling: I know it's a call for quite some new statistics of not really; you have to define nature.

Kristina: Right, right. Well, you know, and frankly I presume that they're kind of underlying policy and securities reporting requirements behind why the registry reports are frozen for three months and requiring the registries to kind of communicate what that data was on an ongoing basis would really defeat the purpose of doing that.

(Mike): Hey, everybody, it's (Unintelligible). Sorry I'm so late.

Liz Gasster: (Mike), I'm sorry. I just wanted to clarify whether you got the – whether you're on the list because I actually noticed something from Glen that looks like maybe you weren't so I just wanted to make sure...

(Mike): I don't think so. No, I'm not I don't think. I thought I was but I didn't get any invite...

Liz Gasster: Yeah, I thought you were too and I just sent her a note to follow you up to make sure in the future but I apologize for that at our end.

(Mike): Well, anyway I'm sorry too. Hopefully...

Liz Gasster: And it's good to have you here.

(Mike): I would like to know what's going on. I'm getting on the plane tomorrow to head over to Delhi so...

Kristina: I was just running through kind of the gist of the proposal that you and (Alan) and I had been talking about although as I understood it we hadn't completely nailed it down. And (Tim) had pointed out that in light of the New Star request that we may want to adjust our numbers accordingly.

(Mike): Okay, sure. I mean I liked New Star's request a lot and you did too, right?

Kristina: Yeah. We could say that there's like a big happy face in trademark land.

((Crosstalk))

Man: That sounds like a (unintelligible).

((Crosstalk))

(Mike): ...VeriSign making the request.

Kristina: Yeah, exactly. Then I would be doing cartwheels down Pennsylvania Avenue. And I guess if we do that though, (Tim) and (Mike) and everyone else, but just because, (Tim), you raised the 10% threshold and, (Mike), you were the one who had come up with the rolling six-month basis; if we do that do we still need the rolling six-month basis which I think frankly is going to make this harder to implement than...

((Crosstalk))

(Mike): I'm comfortable going with the way (Jeff) put it out in his note.

Liz Gasster: How do you do it for new companies then, for new entrants?

(Mike): Fifty max.

Liz Gasster: Okay.

(Tim): Yeah, I agree with (Mike). I think if we go by the month would be probably easier for everybody to track and figure.

Kristina: Right. Can you, you know, the one thing that New Star has that we don't currently have is an escape valve in the event of an exceptional circumstance. And I'm just wondering what everybody's thoughts are as to whether or not not having one would be fatal. And if the conclusion is yes, how do we come up with one that isn't so discretionary that, you know, the exception swallows the rule.

(Mike): I mean the registries didn't, at least affiliates in New Star didn't seem to think it was going to be necessary.

(Tim): Well, they included the exception, extraordinary exception or whatever they called it with conditions around them. You know, it can't occur repeatedly, it's completely at New Star's discretion. But yeah, taking that and putting it into policy; a little different.

We could certainly, you know, allow registries to have an exception but then I would imagine you'll be concerned about how that's dealt with and enforced, you know, from ICANN's perspective.

(Mike): Yeah, my preference is to leave it out and if it becomes an issue then we talk about it.

Kristina: Yeah. I just don't want to – personally I don't want to throw language out there and see what people say. I would rather just wait for somebody to raise it and come up with a workable exception because I just don't see how you could do it as a practical matter; I really don't.

What do our new folks think?

Man: You know, I tend to agree. I think that let it get raised and then, you know, it might not be something that we could resolve within the PDP timeline but it might be an issue for the implementation period or team or whoever deals with that.

(Christian Curtis): I have to wonder if there's really that much danger that the exception would swallow the rule. I'd have to – I mean the implementation would obviously be an issue in the drafting but at the same time I kind of doubt that the sort of practices that we're really worried about now would be allowed under some sort of escape valve clause.

Kristina: I would think – let me see if I can find (Jeff's) thing.

Man: I'm sorry, who was that speaking just so I know who...

(Christian Curtis): Oh, this is (Christian).

(Mike): Hi, (Christian).

(Tim): It would be interesting to hear what the registries might say about that because, I mean I know in the past GoDaddy's been there and I know other registrars have been. We've had, you know, some strange thing happen with a large client or something that was unexpected and we had to go to the registry and just ask for, you know, some assistance or forbearance or whatever or some exception on an issue and we've always been able to work it out.

So I'm not sure even if nothing is specifically given that it would necessarily prohibit, you know, a registry from providing, you know, some sort of exception or unusual circumstance.

Kristina: Yeah. I mean because then it would be – yeah, because then it would be totally within the discussion of the registry.

Man: Well, I'd hate for the registries to think that they were contractually down to not make an exception.

(Tim): Yeah, but it's like the, it's like the renewal grace period in (unintelligible). You know, it gives 45 days and we've had situations where there were a group of names that were not to have been

renewed, didn't get deleted and they've worked with us on that. A little different situation but it'll (unintelligible) a lot different.

But again I think if, you know, if that's the case we'd probably certainly hear about it, you know, if that's a concern they have.

Kristina: Let me just think this through. Because if the registry decided to make an exception, the money would basically be coming out of their pocket, right?

Man: Right.

Kristina: So I can't see – knock wood – it's going to apply anyway. It would move the registrar above the limit. So in other words the registry would do it for customer relations purposes basically and they would eat the loss. And presumably – I mean am I thinking this through correctly, (Tim), in terms of financially how it would work? I mean because I guess where I'm going with this is that if there's a financial disincentive for the registry to willy-nilly award exceptional circumstances waivers, then maybe I'm not as worried about it.

(Tim): Yeah, I think that's right and I don't think it's really – I think, you know, the actual financial impact of actuals kind of, you know, funny money at that point so to speak because, you know, if the actual debit and credit that would come and go wouldn't happen till the month and I would imagine the registrar would notice the error or problem or mistake long before, you know, within a very short period of time. So it would just be corrected before any actual money is taken from their account?

Kristina: All right, it would still be reportable though.

(Tim): Right, right.

Kristina: It would still show up in the registry's monthly report for that registrar.

(Mike), do you know if (Alan) felt strongly one way or the other about the number, about the 10% versus the 5%?

(Mike): No, I don't think he did.

Kristina: Because the only issue that I see is logistically given the timing, getting it completely signed off on, on my end.

Should we just go ahead and draft the motion, put it up on the council page and see what happens?

Olof Nordling: Kristina, (Olaf) again with another question, pondering about this. What would the rules be for those who have already introduced such a measure like PIR? Should they have to follow what then would be the policy or could they keep what they already have in place?

Kristina: It depends on whether what they already have in place is identical with what the policy is.

Olof Nordling: Well, all right. You answered my question.

Kristina: I mean I would say that if there's a difference then they have to follow the policy.

Olof Nordling: Yeah, okay.

Kristina: The policy has to be a floor.

Olof Nordling: Yeah. Well, that's...

Kristina: You know, then if they have a policy that's actually more restrictive that's fine, go right ahead.

Olof Nordling: More restrictive? Okay, all right.

Kristina: I mean that's my personal feeling on it. I don't, you know, I'm obviously not the one person on the call but...

(Christian Curtis): But I think that's going to be the practical effects of anything we put in place, that it's equal and it's being the floor.

(Tim): Yeah, PIRs is a little different. It doesn't really compare directly because we kind of take a little different approach, kind of go from the other end. Or I guess you could look at it this way; that they're actually allowing 90% because they felt that just, you know, that even at the 10% that they make stick regardless of what can delete was enough of a financial impact to put a damper on it which it did.

So theirs was probably, unless you can view theirs as more restrictive or not but I don't think so.

Kristina: I would say it was less.

(Tim): Yeah. So I think, you know, if we're going to do something like this I think the sooner the better because with the New Star (unintelligible)

request already out there, affiliates are soon to follow. You know, I think it would certainly be good for them to know what the council was intending to do or to recommend so that, you know, it's not a lot of implementation work otherwise it's sounds like it's going to take a lot anyway. I'm done before the policy is, see what happens to the policy.

(Mike): So I mean, (Tim), do you feel like the registrars or even you personally – GoDaddy, whatever – would vote for a motion that imposed essentially the same requirements that New Star's proposing across all registries in addition to obviously making the ICANN fee non-refundable as well?

(Tim): Yeah, yeah, GoDaddy would support it, yes. Of course GoDaddy's not the one (Unintelligible) is putting on the council obviously.

You know, I haven't seen much chatter about the New Star (unintelligible) on the list yet but I know that it certainly I would think would be much more appealing to registrars than the idea of the AGP just going away and giving the statement that we got it approved and submitted.

So I'm hopeful that it we be supported by most registrars, but certainly by GoDaddy.

Man: So I mean bottom line, feels like it worth a try.

Kristina: Well, I mean, Christian, I mean what's the – how do you think NCUC's going to react to this?

(Christian Curtis): It's a little hard for me to say. I was actually just added to this a few days ago so my gut reaction is that there needs to be enough wiggle room in terms of allowing for exceptional circumstances and also I guess the biggest concern would be on the end of the users who are not particularly sophisticated who may just be looking to register a site to mimic simple mistakes. And if the registrars were to completely stamp out or maybe not completely but to impose much more rigid restrictions on that end that's where the fear would be.

On the other hand, you know, where the (unintelligible) is really getting abused, as long as it's effective and not struck on (unintelligible), I see no problem.

Kristina: That's useful to know.

(Mike): I'm just trying to follow up on that. What is the NCUC's concern exactly with having to learn exceptional circumstances carve-out?

(Christian Curtis): I was actually just thinking in terms of the fact that, it seems to me that if the registrars' do get worried that there may be unforeseen unusual circumstances and they don't have room to negotiate with the registry about allowing for the deletions without cause, that the policies towards users might involve some sort of excessive restrictions. But that's more just a fear of what could come down the pipe if things are too harsh.

Kristina: Actually now that you rephrase it I'm not sure I get it. So is the concern that you're going to have some person out there who mistakenly registers the wrong domain name 50 times or you have 50 people doing it and then the registrar's going to hit the refresh hold and so...?

(Christian Curtis): No, no, I'm just saying more that I worry that the registrar in fear of hitting the threshold might try to preserve those deletions for particular clients who would register a large number of subject names or...

Kristina: But I mean the top 10 largest accredited registrars already have non-refundable provisions in their policies. So as I understand it now and, (Tim), please correct me if I'm wrong but it's my understanding that per consumer refunds on kind of like type the wrong name or, you know, I made a bad mistake or I didn't communicate, whatever, that that is already purely discretionary.

(Tim): Right, right. In fact, we don't automatically give a refund if the name's deleted in five days. And, you know, each situation's looked at individually as it's requested of us. Then we also have a restocking fee which we may waive depending on the situation.

So I think a number of registrars already have things like that in place to try to protect themselves from being, from abuse. Don't see that changing a lot with this particular – for those registrars not involved in (unintelligible) because for example, GoDaddy.com, our average delete time is like 1%, in some months less.

Kristina: M-hmm.

(Tim): And so, you know, I think we have a huge volume so that certainly makes a difference and smaller registrars might have a little higher percentage just due to the volume but I guess I don't really see that as creating kind of a customer service issue for the retail facing registrars for the most part.

(Christian Curtis): I don't think that the proposal I stated is – as long as there's enough wiggle room I don't think that there's much in the way of potential for that problem. I'm just worried that the response, if it's too strict, might simply be that all registrars move to non-refundability as a blanket policy.

Simply I think that if the registrars feel that the policies give them enough room there I don't think that that is a problem that will happen.

(Tim): We'll probably get more feedback from our (unintelligible) as we talk about it a little bit more openly with them. But I hear what you're saying and it's hard to say all registrars, how they'll all take it. I think, you know, most of the big retail-facing registrars, you know, who have – you know, we're only competing on customer service and we have similar services.

For the most part we've got similar pricing so we're all competing on customer service and when push comes to shove I mean for GoDaddy we'd rather, you know, give something away in order to keep the customer than just watch the customer walk. Hopefully this isn't going to change that kind of attitude.

Kristina: (Mike) or (Tim), have you all, either of you talked to anyone in ISP on this because I haven't and I have no idea where they are on it.

(Mike): Not in quite a while.

(Tim): No, I haven't either.

Kristina: I mean, you know, I know what they put in for their constituency impact statement but I wasn't sure if, talked to them about New Star or not.

That being the registries and that's (Chuck) is VeriSign, (Unintelligible) is dot-Asia and (Geordie) – I'm blanking. Is he with dot-cat?

Olof Nordling: Yeah, he is.

Kristina: Okay.

Olof Nordling: He's got the cat.

Kristina: Right. All right. I can't imagine they have a lot of (pacing) there but, you know, I could be wrong.

(Mike): The ISPs have generally been, you know, right along with us on these issues, go have several meetings. So I'm pretty sure they'll go along with what we propose.

So I mean it seems like a fair, it feels like we're kind of in agreement to do a fairly simple motion that tracks (Newman's) email and adds in the ICANN piece that you made non-refundable permanently and see if we can get it passed?

Kristina: I would say yes.

(Mike): I mean by the way we're going to have plenty of time to discuss it. I have a council on that Saturday morning so things can change but I feel like that's the best foot forward.

(Christian Curtis): I agree.

Kristina: Yes. No, I agree too.

Man: For some reason I wasn't able to see all the old emails in the archives.
Would it be possible to get that sent again?

Liz Gasster: Which emails from the archives?

Man: The one that was, the email that was just referenced. For some reason
when I'm doing the archive...

Kristina: It wasn't on the list, it wasn't on the list. If you're talking about the
emails where (Mike) or (Alan) or I were trying to come up with
language that we agreed on, those were not on the list.

And then the (Jeff Newman), the New Star email is posted to the
council list and I think, I don't know if it's made it to the GA list or not.

Olof Nordling: It may have been snipped from the GA list but I'm not sure or from
somewhere else. It seemed to be, well, cut and pasted from some list
on the council list.

Kristina: Oh. Well, (Jeff) had sent it around to a group of folks.

Liz Gasster: (Christian), do you have the New Star?

(Christian Curtis): No, I don't.

Liz Gasster: Okay. (Marilyn), could you forward that to (Christian Curtis)? And, (Christian), if you could just give us your email address real quick?

(Christian Curtis): Sure, it's ccurtis (unintelligible) @gmail.

Liz Gasster: Great. (Marilyn), did you get that email?

I'll make sure it gets to you, (Christian), for sure.

(Christian Curtis): Thank you.

Liz Gasster: Yeah, you bet.

Man: So do I understand correctly that the proposal that we're considering right now involves both making the IPN (unintelligible) non-refundable and moving the AGP to 10% monthly deletion or 10% of the total number of monthly registrations?

Liz Gasster: That's how I understand it. Do you guys want to confirm?

Kristina: Well, I don't know that – I thought that we had talked about this last week, (Mike). Refresh my recollection as to whether or not we could put the budget thing in the consensus policy and I think that we decided that we probably couldn't.

Olof Nordling: You can (unintelligible) left open. You can provide advice.

(Mike): Yeah, that's what I was going to say. That's our recommendation for the board to enact it as part of the budget.

Kristina: Right.

(Mike): And that's all GNSO ever does is recommend things to the board anyway, right?

Kristina: Yeah, I know. My concern was whether or not it was beyond the scope of consensus policy or not. That was my concern.

Liz Gasster: But it was already done I guess by the GNSO council on the 31st of October, right?

(Mike): That's right.

Liz Gasster: I mean the motion that launched this PDP also recommended that...

Olof Nordling: And to stop pursue this non-refundability of the registration.

Liz Gasster: And since then staff has done so and the board has, you know, approved its recommended action essentially saying the same thing. But I would say the board acted on the GNSO council's previous recommendation and the staff has incorporated that into the proposed budget.

(Mike): Yeah, so I say we just suggest that it be made permanent and leave it at that.

Liz Gasster: And I would certainly make clear that this limiting of the AGP to 10% should be implemented, you know, independently and...

Kristina: As soon as possible.

Liz Gasster: Right, right and if there's no confusion about it being done consecutively or anything else.

Olof Nordling: That's again I think that's a different metric because it's not with an item budget process so it's more likely to be (unintelligible) not really sure whether it's within the Picket Fence and I wonder if...

Liz Gasster: So wouldn't it go through the same process, (Olaf), like with, so the motion would get, you'd have to have public comment on this.

Olof Nordling: Yeah. Well, I'm uncertain of it and so whether it's first of all within the scope of a PDP – maybe, or rather within the Picket Fence so that's...

Liz Gasster: Well, within the scope of the PDP wasn't it one of the things that they found was in the scope of the PDP before, during the course of the issues report and the development of the issues report and outcomes report?

Olof Nordling: Yes, indeed, but it's among the measures that can be taken within the Picket Fence so to speak. But I'm really concerned about that.

Liz Gasster: Yeah and I don't know what that means. I don't know that term.

Olof Nordling: Well, what are the limits to concerns and policies and so, but that's a little question mark for me.

(Mike): Yeah. And frankly I'd prefer we didn't even raise that.

Olof Nordling: No, I raised it in this group.

Kristina: Yeah. No, I mean you're right. I don't want us to get bogged down with something that we can't pull off.

(Mike): That's right. And I think that issue, my opinion is that issue was resolved when we got the go ahead from (Jeffrey) to do the PDP.

Olof Nordling: Okay.

(Mike): Yeah, if he thinks differently or anyone things differently then they can raise it and we'll deal with it but I don't think we need to raise the issue.

Olof Nordling: No, no. No, but I just try to think ahead whether the question would be raised by anybody.

(Mike): Sure, it could be.

(Christine): Well, I mean...

Olof Nordling: And really I mean to drill it down, I mean (Chuck) is not on this call but he was on previous calls and did he have a reaction to it?

Liz Gasster: No, (Chuck Ohms) has never been on these calls.

Olof Nordling: Oh, well, I thought he was on the list at the time.

Liz Gasster: I think there's a little confusion with the list. I think that's why (Mike) was omitted by mistake and I think (Chuck) got picked up on this one when he's really on the transfers one.

Kristina: Yeah, I mean if they were supposed to get an email about today's call I didn't get it so I don't think I'm on the...

Liz Gasster: You are on the list though.

Kristina: Maybe there just was no (unintelligible). Well, maybe the way to do it is to kind of, you know, split the baby and we put it in a whereas is as opposed to the resolution so that we make it clear what it is that we want to do without actually making it as a policy recommendation.

Liz Gasster: Who's drafting this motion? Does someone have the pen on this?

Kristina: I mean I'm happy to pick up the pen if, (Mike), you're swamped. I know that, you know...

(Mike): If you would please do it I'd really – yeah, I can't do it tonight.

Kristina: No, that's okay. I haven't billed any time yet today so, you know, (Mike) will be (unintelligible).

(Mike): I know that feeling.

Kristina: Yeah, you know, I personally am of the view that the simpler and more clear this is, the more likely it is to get passed.

Liz Gasster: Well, I think (Olaf) and I will go back and read the other report but I think you should just keep it clean for now and consider not including it for the moment.

Man: So what is intended to be said about the budget?

Liz Gasster: Well, I would say – my sense is that nothing needs to be said about the budget but that’s up to you all.

Man: Okay.

Liz Gasster: Nothing needs to be said. I mean you could certainly put a whereas that says and whereas the council’s already on record as supporting staff pursuing of this option.

Kristina: Right, right. Yeah, because that way it’s in there but it’s not...

Liz Gasster: And you could do a whereas, you throw in a whereas about the board.

Kristina: Yeah. (Mike), one thing...

(Tim): You know is the – it doesn’t really say anything in the budget and I was kind of distracted as part of this last 10, 15 minutes, I apologize – but is there an intent? It doesn’t sound like there is but is there an intent in the vast mind that there would be some low threshold of allowable deletes in the AGP before the ICANN piece stuck or not?

Liz Gasster: Not in what is being proposed in terms of the budget change. The budget change was strictly billing the (unintelligible) annual fee for all registration.

(Tim): Got it, okay.

Woman: But that’s an excellent question.

Liz Gasster: Right, right.

Woman: But I would think as an accounting issue that would be more difficult.

Kristina: (Mike), one thing just to kind of follow up because I think (Tim) had raised it before you joined the call. You know, we had been talking about a 5% or 50 and obviously New Star came out with a 10% or 50. Do you remember why we didn't go with the 10%? And conversely, do you remember why and then kind of a feather group (Johnson) and (Hal) didn't want to go with 5%?

(Mike): Well, they thought 5% was too low and I thought 10% was too much so that's really it.

Kristina: So 7-1/2%?

(Mike): Yeah.

Kristina: Or 8%.

(Mike): I think 10% still offers a lot of room for tasting especially amongst the larger registrars, (Unintelligible) and GoDaddy and those guys when they get millions of registrations.

(Tim): Yeah, but it's only 10% of the new deletes so I mean like on a GoDaddy does over close to three times as many new registrations as the next closest registrar so we'll do like, you know, 45,000, 50,000 new registrations in a day so any one day the best that would give us would be 4500 to 5000 deletes in a day versus like the million plus you can see now. So, you know, and then you take that down to the next

closest registrar it ends up half or a third of that. So that's still, you know, pretty small number but relatively speaking.

And I don't really, it doesn't really matter to me. I mean our average of deletes is really pretty low. But I guess the only reason I raised the issue is because that's what New Star came out with. It sounds like that's what (Ophelia's) is going to come out with and I just wonder if there's some reason why they felt that number was the number to go with.

And if we might, you know, if there is or at least maybe we should check or ask if there is and it might save us issues down the road if, you know, there's less opposition.

Kristina: Yeah, that's a good point.

(Mike): Yeah. I mean you know you make a good point and I know you've made it several times to me that it is the new deletes is the percentage. So that really is going to cut down on a lot of the gaming. So I'm comfortable going forward with the 10% just to be non-controversial hopefully and get it done.

Liz Gasster: Yeah.

Kristina: All right. Well, I'll put something, I actually have a call at 5 and another call at 5:30 but what I will do is put something very straightforward together and get it to our email list in the next couple of hours, probably around the 5, 5:30, 6:30 – I need to eat – probably around 8 o'clock Eastern.

Man: You need to eat?

Kristina: I know. You know, it's really sad. I have a refrigerator in my office, I have a chair. For the calls this weekend I brought in my sleeping bag. It's just getting really bad.

Man: That's awesome. That's awesome. Make sure you get your Web cam set up too then.

Kristina: Yes. No, it's not a friendly set at 2 am Eastern, I can tell you that especially if I'm totally wired at coffee.

So I guess if everyone could just take a look at that as it comes around and I don't think that there's any kind of – (Liz) and (Olaf), is there a time deadline tomorrow that we need to meet in terms of getting this on the council list in order for it to be eligible for voting on Wednesday? Do either of you know?

Olof Nordling: I think that – well, voice may be raised if it's not put on the council list well in advance but...

Kristina: They're not intending to put it on tomorrow. I just want to make sure that I'm not supposed to be working it, you know, that we're not supposed to be working against, you know, 12 o'clock UTC as opposed to 12 o'clock Pacific or 5 or whatever.

Olof Nordling: Ah, I mean it's been more relaxed than that with (unintelligible) and mind you, I mean the proposed motions are usually chewed upon and rephrased and such during the counter call open cell. Well, it's more about having larger documents should reach the council a week in

advance. That's sort of the general rule. But when it comes to council motions there is no firm rule that it should reach a specific date before the meeting.

Kristina: Do you think we need any kind of explanatory text because I know that during the council meeting last week and I know that we early on had kind of presented amongst ourselves that we didn't really see the need for any further work and there was time to just get to it in terms of policy recommendations.

Do you think we need any intro text? I mean I'm happy to kind of post with a short explanation.

Liz Gasster: Well, you may want to say that. You know, that the group got together, that we confirmed the outcome support and issues report and we provide...

Kristina: And everyone was so burned out that we did a public comment. Okay, all right.

Well, then I guess keep an eye out for it.

Liz Gasster: Great. Thank you so much.

Man: You did awesome.

(Mike:) Yeah, thanks a lot, (Christine). Sorry we're going to miss you in Delhi.

(Christine): Oh, but that's okay. I'll be on the phone. It'll be fun.

So have safe flights, everyone, and look for this later tonight.

Man: Okay, I'm going to log out.

Kristina: All right, bye.

Man: Bye, everybody.

Man: Bye.

END