

**Registration Abuse Policies Working Group  
TRANSCRIPTION**

Monday 16 March 2009 14:30 UTC

**Note: The following is the output of transcribing from an audio recording of the Registration Abuse Policies Working Group meeting on Monday 16 March 2009, at 14:30 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-rap-20090316.mp3>

<http://gnso.icann.org/calendar/#march>

Please note that after the Council resolution <http://gnso.icann.org/resolutions/20090219-2>

The group's name has changed from RAP Drafting Team (DT) to: Registration Abuse Policies Working Group (RAPWG).

The mail server list address has remained the same: gnso-rap-dt[at]icann.org

"To form a Working Group of interested stakeholders and Constituency representatives, to collaborate broadly with knowledgeable individuals and organizations, to further define and research the issues outlined in the Registration Abuse Policies Issues Report; and take the steps outlined in the Charter. The Working Group should address the issues outlined in the Charter and report back to the GNSO Council within 90 days following the end of the ICANN meeting in Mexico City."

Present for the teleconference:

Greg Aaron - Registry C. - Working Group Chair  
Jeff Neuman - Registry C.  
Nacho Amadoz - Registry C.  
James Bladel - Godaddy Registrar C.  
Richard Tindal - Registrar C.  
Mike Rodenbaugh - CBUC  
Mike O'Connor - CBUC  
Mike Rodenbaugh - CBUC  
Martin Sutton - CBUC  
Phil Corwin - HSBC - CBUC  
Faisal Shah - MarkMonitor IPC  
Gretchen Olive - IPC  
Kristina Rosette - IPC  
Gregg Ogorik - Cyveillance  
Guanghao Li - cnNIC  
Roland Perry - RIPE  
Jeremy Hitchcock - SSAC

ICANN Staff  
Marika Konings  
Margie Milam  
Glen de Saint Géry - GNSO Secretariat

Absent Apologies:  
Beau Brendler - ALAC  
Olga Cavalli - NCA  
Jon Nevett - Registrar chair

Greg Aaron: Do you just note as we begin.

Glen Desaintgery: Greg, that's completely up to you. I do notice all rest and I put it on the notes.

Greg Aaron: Why don't we- we'll go down the list as it appears and they'll be connected. And if you could just briefly introduce yourself. If you're with the constituency, please note that.

And briefly mention any other interest that you - that lead you to join the working group. So anyway thank you for attending the first meeting, I'm Greg Aaron, I have the privilege of being your chair for this project.

I'm the Director of Key Account Management and Domain Security at Afilias which in my eight years at Afilias I've done a variety of things pre-registration and post-registration including administrating sunrises and dealing with domain name abuse.

Marika?

Marika Konings: Yes Hi, Marika Konings, I'm ICANN staff supporting this working group and part of the policy team at ICANN.

Glen?

Glen Desaintgery: Hi, this is Glen Desaintgery, I'm the TNSO Secretary and I'll be doing the administrative part of all the meetings.

Greg Aaron: Greg?

Greg Ogorek: This is Greg Ogorek, I'm with Cyveillance, we're a security vendor doing anti phishing and open source intelligence. Spent six years at AOL fighting bad guys and doing the same here.

So our interest just you know being able to find a safe path through this registration stuff and if we could contributed to that process, we're happy to be involved.

Gretchen Olive: Gretchen Olive from Corporation Service Company. Been doing this domain name thing for about nine or ten years now. Have been with CSC the entire time, we're a corporate domain name registrar as well as brand protection and trademark service provider.

I've been involved with the registrar constituency, I'm also involved with international trademark association and association of corporate counsel.

Nacho Amadoz: Hello. This is Nacho Amadoz from .cat. I'm the guest on the list I'm sorry, I didn't know how to change the name. So I apologize for that.

James Bladel: James Bladel from Go Daddy, I work in policy, corporate development. Participant in many ICANN groups including this one. And it's predecessor, the FastFlux.

Some of the other drafting teams and with registrar constituency.

Jeremy Hitchcock: I'm Jeremy Hitchcock, I'm formerly representing SSAC but I work at Dynamic Network Services which is a DNS operator, local registrar and we do some DNS for some (unintelligible).

And been seeing all sorts of different abuse stuff and pre-2000 dynamic DNS was used for a lot of denial service things so we see a lot of stuff.

Kristina Rosette: Hi, I'm Kristina Rosette, I'm an IPC rep on Council and I think as of now the Council liaison to the working group.

Margie Milam: Hi, I'm Margie Milam with ICANN staff, I'm in the policy group and will also be supporting this working group.

Martin Sutton: Hi, this is Martin Sutton from HSBC. I work within a group called Risk Function, looking at online fraud and brand abuse and I also look after the domain name portfolio.

I'm also a member of the business constituency.

Mike O'Connor: Hi, this is Mike O'Connor, I'm also a member of the business constituency, domain name owner and long time fan of the internet.

More recently ran the Minnesota response to Y2K getting dragged sort of kicking and screaming back into the security (every) terror world and that's it.

Mike Rodenbaugh: Mike Rodenbaugh, I'm an officer of the business constituency and on the GNSO council representing the business constituency. Also run my own small law firm, Rodenbaugh Law.

Jeff Neuman: Hello, this is Jeff Neuman, I'm vice president of law and policy at Neustar. Been here for oh, nine or more years. We've been combating abuse of domain names at a registry level since 2006 and I'm the alternate or vice chair of the registry's constituency.

Richard Tindal: This is Richard Tindal, I'm with (Inahome) which is a large registrar and we're also interested in the potential impacts of this group on the registrar business and on the TLD process.

Philip Corwin: Philip Corwin, I'm a partner at the law firm Butera & Andrews in Washington DC. I serve as - excuse me, counsel to the internet commerce association which is a trade group of professional domain name registrants, investors, developers.

And we are an international member of the business constituency.

Roland Perry: My name's Roland Perry, I'm an independent consultant on internet governance. Two of my major clients are the (Ryban CC) and the (Ebit) consultant organization.

This is the first of - I've been to several ICANN meetings, this is the first ICANN workgroup or anything like it I've ever been involved in.

Greg Aaron: Faisal?

Faisal Shah: This is Faisal Shah, I am the founder of MarkMonitor and I'm also a member of the IDC.

Greg Aaron: I'd like also on Adobe Connect we have one person who's not on the conference line, Guanghao Li.

Guanghao Li: Yeah, this is Guanghao Li from (CAN) also on the board of dot Asia.

Greg Aaron: Okay, glad you could join us.

Guanghao Li: Thanks.

Greg Aaron: Okay great. Thank you and then we have several other people who have not joined us today but they're on the list to be on the group and we may meet them in a future call.

One of the things that is asked of all members is to submit a statement of interest. These are then posted on the working group site and this is an opportunity for you to describe who you are in a transparent fashion.

And also any interests that you may have. If you have not already submitted a statement to the staff, we'll recirculate the instructions. There's a basic template you can follow.

And we'll take care of that bit of housekeeping. If anybody needs that just let us know and we'll recirculate the instructions to you.

Man: And I have a question, is it (unintelligible)? Yeah, I think it is a statement of interest that you send on March 12 than that should be replied to Marika?

Marika Konings: Correct, it was attached or was copied at the bottom of the email, but you should actually forward it to Glen, she will collect them and post them on the relevant ICANN site.

Man: Okay, all right.

Marika Konings: The email address should be in that same email, the GSO secretariat.

Man: All right.

Greg Aaron: Okay, wonderful.

Glen Desaintgery: Sorry Greg, I just have another question to ask. Is everybody on this list on the mailing list because I see a name here, Greg Ogorek, if that's correctly spelled that I don't recognize on the mailing list.

Greg Ogorek: Okay, I had given my card at the working group kick off meeting and I have gotten emails, so...

Marika Konings: I think he's on the mailing list Glen, there are two names that still need to be added that I've been forwarding emails individually, that should be somewhere in your inbox.

Glen Desaintgery: Okay, thanks.

Marika Konings: I think Gretchen and Jeremy amongst others.

Glen Desaintgery: Okay that's fine, thank you. Sorry to disturb Greg.

Greg Aaron: Quite all right Glen. I - as chair my job is very often to facilitate but I'm going to speak for a little bit longer at this call in order to provide some orientation.

It's important in these working groups for us to have a common understanding of the background and the processes that are used in ICANN working groups.

If you have a browser I would direct your attention to our working group home page, the link to that was circulated along with the agenda. And that page contains what I'm going to call our foundational documents including our charter, the issues report and a link to ICANN working group practices.

And what we'll do today is talk a little bit about first the processes that are used in these working groups. Let me see, find that link. Basically the process is boiled down to a very few simple principles.

These working groups are designed to when possible reach consensus. In other words general agreement among the participants, that's the ideal situation.

It is understood however that there may be a diversity of opinion in these calls and in the documents that we will eventually produce.

And in those cases our document will identify the level of consensus. You've either pretty much complete, partial, diversity of opinion or no agreement whatsoever.

The principles ask that we also indicate the levels of support by noting who is kind of which area of opinion. So as we start to produce a document we will eventually have mechanisms for everyone indicate their formal place that they would like to indicate they are.

In general our goal of course is collegial discussion and again we expect a lively debate but I think all of our expectations is that it will always be collegial, in other words I think it goes without saying that we will all be polite, the goal is professionalism.

And if we have differences of opinion simply indicate why that is. I think one of the things that we're trying to do in this working group is to try to do a lot of fact finding.

And so I think it's always great to express opinion but also I think it will be important for all of the participants to let the other ones know why they support a particular position.

So the - tell us about your opinions but also tell us about your experiences or data that you already have. And if there are areas where we need to bring in data or other experiences we can do so.

Also a little bit about the process is we have a charter. We will when possible stick to that charter. If we find out though that our charter needs modification, if we encounter difficulties that way we can also take that back to the council and ask that the charter be modified.

I mention that because Avri Doria is a big fan of that, she basically wants this group and all the others to make sure that they have what they need and if we need clarity on anything it's always okay for us to go back and ask the council.

Any questions thus far? I believe a lot of you have participated in these groups before, I was wondering who is new to an ICANN working group? Greg, are you new?

Greg Ogorek: Yes I am.

Greg Aaron: Okay, and Martin are you?

Martin Sutton: I am, yes.

Greg Aaron: Okay, anybody else?

Philip Corwin: Phil Corwin, I'm new to this. I have one question, the statement you just made about modifications of the charter, I'm just curious, how far does that go? I mean if we find that the charter is an obstacle in some way to the main goal, I understand that.

But the fact that you can go back and just start a group where the charter provides a focus, and yet if you can keep changing the charter, I think there's possibly a danger of mission creep so are there any parameters for limiting those changes?

I'm just - I'm surprised by the statement that the charter can be amended as we go along.

Greg Aaron: Well what sometimes happens is that a group will get into an issue and it may be a little different than what was originally understood.

Because once you get into an issue you start to understand the various implications and things that are involved. I don't think that any of us is probably interested in going in a completely different direction, that might be a little surprising.

But if we do think about any modifications that would be a discussion we would have in this group and everybody would have a say.

And you know then we would have to decide whether it was too far afield or not and then also council would need to consider that.

So I don't think we're talking about humongous changes. But if we do encounter difficulty and it's because of the charter, we want to be able to accomplish our mission of having a good discussion.

Does that provide a little background?

Philip Corwin: Yeah, thank you for that clarification.

Greg Aaron: Okay and then let's see, Nacho is new as well. Sorry, that's the basis for discussion, we will operate when possible on consensus and so on. Let me also tell you a little bit about the process.

In a working group at ICANN, our goal will be to create a work product, a document which is known as the initial report.

And we'll talk a little bit more about the contents of that when we talk about the charter in depth. But the idea is to present a document to the council so they can check in on our status.

And then the initial report is something that the constituencies will then have formal input into.

The report is published and then there is a first round of constituency statements so the constituencies have a formal opportunity to write back with their comments.

And we'll publish this process on the site. After that's done there may be revisions to the report, then it goes back to the council. And there is a public comment period where it's posted on the ICANN Web site and a couple of weeks is given for the members of the community to post their comments publicly.

Then those are taken into consideration by the group there may be a second document, a revised document that takes those various comments into consideration.

There can then be a second round of constituency input so they can comment on changes and so forth and eventually we arrive at a final document which is presented to the council.

And at that point some working groups come to an end and some may take on a different lifetime. So for now our focus will be on working towards an initial report.

Any questions about that? And what we'll do is we'll also publish an outline of this process on the site. Okay. Just a note about my role, it's my job as the chair to facilitate discussion.

And one of my primary responsibilities is to help log the level of consensus on each of the points we're discussing so I will endeavor to do that in a fashion that will be loggable and so forth.

If I make any mistakes please do let me know. A lot of - my job is also to provide some sort of a structure for the discussions, previous working groups in some cases have kind of been a little too free form.

I want to be very aware that everyone is very busy and that participating in this group is a commitment of time. I just want to make sure that that time commitment of yours is honored, efficient.

But at the same time there's a balancing act because we want everybody to be able to state their opinions and have an opportunity to comment. So while I'll try to be efficient, I don't want to step on anybody's toes ever.

Please let me know how I'm doing. And as a member of the working group as well I will chime in with my own personal opinion but when I do that I'm just doing it as one person amongst many.

Marika Konings: Greg, this is Marika, can I say something?

Greg Aaron: Go ahead.

Marika Konings: No, I just wanted to - when you discussed the document format I just wanted to point out to the group as well that as it is not a PDP yet, there is no formal requirement to follow the process of the initial report, final report.

It's something that you know you might want to do as it's a format that has been used and is a way to get public input and get input from the constituencies.

But the group can consider as well is there other ways that they would be more effective in getting to the desired outcome.

Greg Aaron: Okay. And I do personally highly recommend following the format because it provides those rounds of input. While we're not in a PDP at this point trying to write a policy, we might recommend that the council start some PDP processes at a later time based upon our recommendations.

So I think those are things that folks should have a formal way of commenting on. We'll - like I said what I'd like to do is we'll put that process - we'll circulate that process for everybody to see.

If anybody does have some differing opinions about whether we should follow that or not, that's open for comment. Okay.

Mike Rodenbaugh: Greg, it's Mike Rodenbaugh. I would just note that in our charter it does request report back to the council in 90 days from now.

Greg Aaron: Well what it asks for is not a report in 90 days, it asks that we - not - it doesn't request a document to be clear. We have to report back to them within 90 days with an update on our status.

So we don't have a 90 day hard deadline for document of work product. We're going to keep that open because we don't know what we're going to encounter and what topics we'll be discussing.

Okay, I also have a procedural note in the chat, Kristina has noted that she suggests that working group members who miss a meeting be responsible for listening to the mp3 recording and catching up as appropriate.

I think personally that's a good idea. Working group members are responsible for keeping current not only on the meetings but also discussions on our mailing list.

Does anyone else have any thoughts on that? Good idea, bad?

Mike Rodenbaugh: This is Mike Rodenbaugh, it's obviously a good idea, it just goes to your point earlier that we don't want to be wasting people's time on these call.

Greg Aaron: I've got - looks like there's a sent on the chat from Mike, Martin, Greg and James as well, okay. Great. Okay, all of you who are at a computer, are you logged into Adobe Connect right now?

I think everybody is. This is a standard tool that's used in working groups and it's fairly versatile. It will allow us to do various things. One of the things you can see of course is we have a chat.

And you can chat to the entire group or to individuals who are logged in there on the attendance list. One of the things that also allows us to do is if we want to do straw polls or so forth we can set up voting through this so you can indicate your opinion.

It also allows you to raise your hand. Down at the bottom right you'll see a little person with his hand raised. Would everybody like to try that? Pop open the little button next to it and you'll see some options like raising your hand.

Why don't you give that a try? Now I'm giving some applause to Mike Rodenbaugh who is laughing. Okay. Since we may have a large group in these meetings, we can use this feature to manage the speaking queues.

And what Marika and I can do is if you'd like to have the floor just raise your hand and someone will recognize you and then you can - and speak.

Okay. So is everybody comfortable with that little feature? That's - why don't we try using that first and then during the course of subsequent meetings we can get into some of these other features.

I don't want to be hard and fast on the hand raising thing right now necessarily. We can just - also folks can jump in as needed.

Okay, if you could lower your hand then unless you want to jump in. Okay great. Next item on the agenda is the review of the foundational

documents. If you can please go to our home page where we find our charter.

My thought here is to walk through it briefly to give everybody a foundation for what the group has been asked to do and what we're not doing at this point.

So everybody there okay? Okay. So as was mentioned, this is not a PDP working group. At this point we are not in the process for formulating any specific policies to recommend to the GNSO council.

Instead what we've been asked is to form a group to collaborate broadly to further define and research some issues and to take the steps outlined in the charter.

Now the charter has a scope and definition of registration abuse section. I'll just read it out, especially for those of you who are not online. The working group should define domain name registration abuse as distinct from abuse arising solely from the use of a domain name while it is registered.

The working group should also identify which aspects of the subject of registration abuse are within ICANN's mission to address and which are within the set of topics on which ICANN may establish policies that are binding on gTLD operators and ICANN accredited registrars.

This task should include an illustrative categorization of known abuses. Now as a side note, we're to look into what may be in ICANN scope or out of scope. We are not final arbiters of that of course.

It's our job to examine what might be in or out and why we think that is and we can also get opinion from other people such as ICANN council.

The ultimate arbiters are the - you know might be council, they need to consider those issues. ICANN staff, especially legal counsel may have some input and eventually some items go all the way up to the board even for discussion.

So we're to do some research, we're to explain why we think something is in or out of scope. But we may not be the final arbiters of that.

So is everybody clear on that point? Any additional comments please? Okay. And I think one of the reasons why gTLD registry operators and ICANN accredited registrars are mentioned specifically is because ICANN has contracts with those parties, those are known actually as the contracting parties.

So there's the question of if something is within scope then it might be something that could eventually become a party, binding upon the parties.

Okay, the next part of the charter says additional research and identifying concrete policy issues. The issues report outlines a number of areas where additional research would be needed in order to understand what problems may exist in relation to registration abuse and their scope.

And to fully appreciate the current practices of contracted parties, including research to understand if registration abuses are occurring

that might be curtailed or better addressed if consistent registration abuse policies were established.

Determine if and how registration abuse is dealt with in those registries and registrars that do not have specific policies in place, identify how those registration abuse provisions are implemented in practice or deemed effective in (interesting) registration abuse.

These are three main questions that kind of came out of the issues report that the staff wrote by the way. And then it goes on to say in addition, additional research should be conducted to include the practice of relevant entities other than contracted parties such as abusers, registrants, law enforcement, service providers and so on.

The working group should determine how this research can be conducted in a timely and efficient manner by the working group itself via a request for information by giving expert advice and/or by exploring other options.

So this empowers us to go out in our fact finding and request whatever information we need. So we can make formal requests by the group and even if we think there's a study that needs to be funded we can also recommend that.

So for now everything is fair game and we have some tools at our disposal. Based on the additional research and information the working group should identify and recommend specific policy issues and processes for further consideration by the GNSO council.

And then there's a note about SSAC participation and collaboration and Jeremy is with us in that capacity. And I'd also note there are probably a number of other initiatives going on at ICANN, some of which are in working groups that may have relevance to our work or may in some ways even overlap it.

So we'll need to look at those. So does anybody have any questions or comments about the charter?

Mike Rodenbaugh: It's Mike Rodenbaugh, I suggest we address that SSAC participation element soon because I think there's an outstanding invitation to the council that we should respond to in some way. I know Avri's looking specifically for that fairly soon.

Greg Aaron: Okay. Mike, what specifically do you think we should do?

Mike Rodenbaugh: Basically yeah, recommend that we accept the invitation and that we do have a collaborative effort. I think we already have started that with Jeremy on this group but you know opening it up for more folks from the SSAC to participate, seeing if they have a (unintelligible) that members of the GNSO council or constituency should participate in.

Just basically responding to the request from Steve Crocker.

Greg Aaron: Jeremy, are - have you joined kind of in an - I guess we can make a formal invitation, what's your understanding of your role? Are you informal for now?

Jeremy Hitchcock: I think I'm formal. I'm going to regret it later I'm sure, but...

Greg Aaron: Okay. Maybe what we ought to do is we ought to go back through the correspondence and get Steve Crocker's note and we'll put that up to the list so we can take care of the - any housekeeping we need to.

Mike Rodenbaugh: So Jeremy could you just tell us also now that the SSAC has published SAC 38 on abuse contact, still ongoing work in SSAC on that issue or are you guys done with it?

Jeremy Hitchcock: Actually the - probably - we published it Friday and I think Saturday there was already discussion on the SSAC mailing list about - I don't think we'll revisit it but it was certainly further discussion and it's certainly an area that people on SSAC are interested in.

How to (unintelligible) you know from that topic specifically about abuse (unintelligible), how to have something which is both sustainable in the sense of it's a standard and they can apply it everywhere but also in the sense that there are compelling privacy issues and (unintelligible).

But I'm not sure if we have any formal work products that are in the abuse area but it's something that a lot of people are interested in. There's actually ongoing work on IDN display and there's some abuse issues that were talked about.

And that's 37 which hasn't been published yet.

Greg Aaron: Okay. Are there any other questions about the charter?

Philip Corwin: Yeah, Phil Corwin. Just I noted that this was written before the Mexico City meeting where it (weighed at) a workshop and probably given that

we're going to be delivering a report within 90 days which I believe is just before the Sydney meeting.

We might want to think about whether we want to hold an open workshop or some kind of event or gathering in Sydney to let others outside the working group get a better idea of what we've come up with at that point.

Greg Aaron: Okay. And again I'll note that we may or may not have a report by that point, we're not obligated to have a document at that point depending on what we encounter. But I would imagine we would definitely have a meeting and that this topic would be on the GNSO council agenda.

So we can deliver at least an update perhaps through Kristina. But Kristina would that be a reasonable assumption?

Kristina Rosette: I actually had raised my hand because I believe it was the Council's intention that a, the report would in fact be written and that b, that the goal or the aspiration would be that the work would in fact be completed.

Greg Aaron: Would you be able to...

Kristina Rosette: To the great extent, and to the extent that that is not the understanding of yourself and others then I think perhaps you know I need to go back to the council and we just need to you know try and get that clarified for you.

Greg Aaron: Yeah, would you be able to look through the history and put a note up to the list with reference to the previous discussion in the 90 day milestone?

Marika Konings: This is Marika, I think we did provide - we provided some feedback to the council who raised indeed some questions as well in relation to the 90 day questions.

I think Chuck was the one who actually put them forward. And I think as a group at that time was the draft registration abuse policies drafting team at the time, I think reply we provided was that ideally the group would come back with its final report.

But if the group would deem that that wasn't possible you know they would be able to come back and give a peer indication of when they would be able to provide the final trust.

I think that was - is my recollection of that conversation. But I'm happy to find back those questions and answers and post them to the list.

Greg Aaron: Okay, we'll go back to the history and take a look and see what we have. And we'll - we can put that discussion up to the list in the meantime. Okay.

Say one of the - which brings me to the next agenda item unless anyone...

Marika Konings: Greg one second, there are a few people that have raised their hands.

Greg Aaron: Sorry, let me go back to that screen. They were just following rules. I'm sorry. Okay, Kristina you're at the top. Do you....

Kristina Rosette: No, that was my point simply to indicate that I think the council expectations were slightly different. So you know I'm hoping that we can - I've actually just found the email so I'll see if I can figure out how to reforward it to the list.

Greg Aaron: Okay.

Kristina Rosette: So I'm good.

Greg Aaron: Okay cool. Thanks.

Kristina Rosette: Let me take my hand down.

Greg Aaron: Okay. Greg you're next.

Greg Ogorek: Yeah, I was wondering on a point of clarification we talked about registration abuse and not the use of a domain. Does the registration abuse include the activities of renewals and transfers as a registration function?

Greg Aaron: I don't know if anybody knows at this point.

Greg Ogorek: We've had discussions in our preliminary meeting about things like the domain registration of America, letters you know that go out to try to transfer your name, renew your name, in a sense you know transfer it, that is a form of abuse that was brought up as an example of something.

And I think that you know we should probably consider including registration, including renewals and transfer as part of the registration definition.

Richard Tindal: This is Richard, I would think that that's what was intended in the charter, would be my interpretation, anything that occurs during the cycle of the registration.

Greg Aaron: Any other thoughts on that? It's a good question. It may have a bearing on the definitional work that we need to do.

When we were in Mexico City for example we - I noted that we have some previous PDPs that touch on some of these items and within the transfers or inter-registrar transfer for example, it provides some partial balance.

But I think Greg you've touched upon something that we should delve into, that's one possible area for example that we'll need to do some definitional work on.

Greg Ogorek: Maybe we don't let renewal and transfer issues derail us from achieving our goal of getting you know the basic registration abuse concepts you know defined and - but I also don't want to miss out on some other forms of operator abuse just because they're not (lead) the initial registration event.

Greg Aaron: Anything else Greg? Okay, Mike, you're next.

Mike O'Connor: Me, I guess just follow up on those points, I guess at least the (UDIP) calls into - specifically mentions renewals and applies, you know, to renewals as well as initial registration.

So that's one guide we have and I just wanted to support what Marika was saying actually about the council's interpretation, that's my recollection as well that we should certainly try to get a report on.

And it - just - to put it back into the context of the new gTLD process. Well this is one of the issues that the board is certainly focused on and so the quicker we can deal with the better and the faster that new TLDs will move forward.

Man: Well that's an interesting - that's an interesting question. Is our work designated as a dependency upon any other ICANN process?

Mike O'Connor: Well I wouldn't say that. I would just say that registration abuse has been flagged as one of the overaction issues that is in fact stalling the process for new TLDs right now. So if this group can come to consensus around that I think that it could remove that hurdle.

Man: Okay, so you're saying it would be useful for that process?

Mike Rodenbaugh: Yes. I'm not saying it's (gaining) but it could be useful -

Richard Tindal: Could the - this is Richard. Could the staff comment on that?

Woman: I would need to check internally but as far as I know nothing is dependent upon this work apart from a decision by the council on its initiative PDP on registration abuse.

Mike O'Connor: M-hmm.

Margie Milam: Yeah, this is Margie. I agree with Marika. The processes that are being developed for the new TLDs are independent of this and then going on separate tracks. So then that would be my understanding.

Mike O'Connor: Hold on, you're talking about the trademark issue right? There's also an issue identified as abuse.

Margie Milam: I wasn't aware there was a separate issue related to abuse outside of trademark. My understanding is that's what's being worked on is trademark related and to a certain extent that might pick up abuse if it involves trademarks.

Mike O'Connor: (I would say), Margie, you need to go back and look at (Paul Toomey)'s letter with the last version of the guidebook. It's very clear there's two issues trademark and then broader abuse issues.

Woman: We'll check internally to see if there are two tracks and whether they're being integrated in one or whether people are looking to this working group to come back on that. But as far as I know at this stage we're limited to the charter that has been given that doesn't talk about that. But we'll be happy to review that internally to see what the status is.

Man: Okay, that would be great if you could post a note up to the list with any background you may have on that particular topic.

Woman: Okay.

Man: Thank you. Okay, Phil?

Philip Corwin: I was just going to say on that point it's a practical matter of - I would imagine that if we have a substantial report within 90 days whether it's a final report or not that whatever practical input is provided by this group that's somehow going to be - at least it's going to be acknowledged by the you know process from new gTLDs is I think you know they argue that they're totally separate and not (inform one another). It's not realistic.

So while they may be for more separation I think that practically you know that they're going to influence one another.

Man: Okay. I don't see any other hands up. Are there any other comments?

Okay. Well these questions kind of lead into the next agenda item which is our area of discussion registration abuse is an area that's pretty much undefined at this point. We - there is no common definition of what registration abuse might be and one of the things we're also supposed to do is come up with illustrative examples and illustrative examples could lead to recommendations to pursue more work on specific ones.

I think one of the things we need to talk about is how do we approach and structure the discussion because it's a pretty broad area. We have some issues raised in the issues report like what is registration versus use, abuse and so on. And in some ways it's a theoretical or conceptual discussion if we're discussing the general definition. But on the other hand it's also a discussion about specific problems because

that allows us to kind of wrap our heads around specific problems which might need further exploration and work.

So I think if we can figure out a way to structure the discussion that will be really useful and allow us to make progress. And I don't have any recommendations yet on how to do that. Now when we were in Mexico City some folks did offer some specific topics or specific problems or specific abuses that they were thinking about.

We may want to start a list of those for example so we can track them. But I'd like to throw the floor open to discussion of how are we going to start pounding this (amorphous) thing into shape a little bit and how is it best to proceed?

So I see Martin's hand up.

Martin Sutton: Hi Greg. Just giving some brief thought to this and from the discussions that were held in Mexico there was some cases where domains were listed in and coded in new malware so there was some intelligence prior to registration actually taking place that is starting to circulate. So there was a couple of examples given.

I think also at the registration stage there is probably some information that can be looked at for various cases which illustrate this is a suspicious type of registration. It could well be the use of specific credit cards and the WHOIS data.

And then you have the post registration type issues which is where perhaps people identify that actually the use of that domain is mal-abusive and therefore need to take action whether that's a cease and

desist, take down UDRP, whether it's then acknowledging that the WHOIS data is invalid. Those tend to be post registration.

So just as an offer of an idea should we be looking at structuring around preregistration, registration and post registration type abuses because I think when you look at it that way you may then find easier ways to look at solutions and to those issues.

Man: M-hmm okay. So breaking it into preregistration, registration and post registration phases. And your example included domain names that are highly suspicious such as those encoded in malware but have not necessarily been registered yet. What does one do about those? Okay.

Okay, Nacho did you have a comment?

Nacho Amadoz: With (that's showing) that I agree with Martin's suggestion. I think it's a very, very good idea. Because I think the only way to reach a theoretical level (in) which we find patterns it will try to localize some of these cases. And dividing them in these three stages I think that it makes it quite easier.

Man: Okay. Any other brainstorming on how to structure things? All right Greg?

Greg Aaron: Yeah, I would agree with Martin's approach and then you know to carry the flag I would also include renewal and transfer as a fourth and a fifth broad category.

Man: M-hmm.

Greg Aaron: If we have the categories separated out and we'd start with one category. Let's brainstorm on all the abuse types get them all listed and then go through each one.

Man: M-hmm.

Greg Aaron: Attempt to define it and build a consensus.

Man: Okay. Would for example transfer and renew issues fall into the post registration category?

Greg Aaron: Probably. But if we want to keep them separate for discussion sake. It would be helpful in deciding whether or not renewal and transfer are to be included in general. So if we left them categorically distinct then at least we can be - it can be stripped out if we decide that we're not covering that.

Man: Okay.

Greg Aaron: Oh yeah, and since we're brainstorming our goal is to come up with undefined abused by a name, right? And not discuss mitigation attempts and what could be done about it per se. It's really just to come up with a consensus of what is abuse, how is it defined and how we should recommend going forward. You know how those abuse types should be treated whether they be a best practice or a mandatory suggestion or whatever. Right?

Man: Okay.

Woman: (Unintelligible).

Man: Okay. Anyone else? Kristina has noted on the chart that she liked Martin's suggestion. Nacho and Greg mentioned listing a - specific examples. And Kristina says she's going to have to drop off - take her (copies) in.

In the sessions in Mexico City folks within this group and then attendees at the workshop listed some topics for discussion. Would it be useful for us to go back through the transcript and start creating a list of specific items?

I'm thinking at least that way we've taken the participation into the group and then we have some specific examples we can go through as we work on the more theoretic definitions as well.

Okay. And I see Nacho and Gretchen note that they thought that was a good idea. Richard?

Richard Tindal: Yes, and it's (Richard Kendall) too because I've already stacked the deck (here) on working (both) membership. We can either - about these other examples, we'll look at what the examples are and then try to deduce what we think. If we agree on that the examples are abuse then we can work from that toward the definition of abuse. Or we can do it the other way. We can - from any sort of example or any predetermination. We can try and come up with our own definition of abuse and then look at things which fall in that category.

I'm not sure which is the best approach but it seems to me that there are two distinct approaches there.

Man: Okay. So two tracks. One looking at specific examples and then another going back to the definition and that might include I think understanding what is currently within the contracts. Or there was some notations in the issues report about scope that might be key for us to examine.

Okay. Greg did you have - would you like the floor.

Greg Aaron: I was just logging agreement.

Man: Okay.

Greg Aaron: With a checkmark you know.

Martin Sutton: I've got my hand up.

Man: Okay. Martin?

Martin Sutton: I'm just thinking here. Could we use the (unintelligible) experience around the telephone here? We've got Faisal and Gretchen and you know provide services to major trademark owners and have a wealth of knowledge to tap into which is lists of grand abuses with actually some volumetrics to go with it. So they could actually potentially this sort of high risk or high volume type threats to lay out there for grand abuse that relate to the main, main abuse as another starting point.

Man: All right.

Martin Sutton: It just saves reinventing the wheel.

Man: M-hmm.

Faisal Shah: Yeah this is Faisal and we can - we'd be very happy to provide that kind of information.

Gretchen Olive: This is Gretchen. Same here.

Martin Sutton: The other thing they will benefit is there is already some definitions that are in place that are used. We probably just need to amalgamate those or fine tune those as a consistent definition throughout.

Man: Okay. So do the two or three of you want to take that as an action item?

Gretchen Olive: Yes.

Martin Sutton: Happy to do so, yes.

Faisal Shah: I might work with Martin on it.

Man: Okay.

Martin Sutton: Cheers.

Man: And what you could do is work on that and for these kinds of things I would suggest that we use the mailing list. Remember that that's always available publicly online and we can all use that to trade drafts and discussion in the group. Just remember it's also publicly accessible and that's a good thing because it's transparent to the rest of the community.

All right. So we'll take that as an action item. What should we call that?  
Definitional work?

Martin Sutton: Yeah. The other thing that - it may not capture everything, so I think this is where we still need to early start. It gives us a good start. But think of all the things that need to be combined within the - (that will) not normally cover the abuses that we were talking about earlier with Conflicker, malware, preregistration examples. It doesn't give anything on the renewals-type scams that are going on.

Man: Okay. By the way you mentioned Conflicker and I wondered if everybody in the group was familiar with what that is. Because I know some of you are. Would anybody like to hear more about Conflicker?

And feel free to help me out, but Conflicker is an Internet worm. It's a malware that spreads amongst Windows machines and it's infected several million machines worldwide since October.

The interesting thing for this group is that it can be controlled through domain names. That's not necessarily unusual for malware. Malware it can be - and botnets can be controlled in various ways and some of them used to use IRC channels for example. And a number have offered command and control through domain names.

But what Conflicker does is it has an algorithm in it that generates domain names that would be viable for command and control on certain dates. It doesn't go out and register these names. But the bad guys could go out and register names for use on appropriate dates and then use that to control and update their botnets.

So these are large lists of domain names that are viable and if you're fighting botnets what you want to do is to prevent the criminals from having access to those names. So what do you do?

It's an interesting situation. Previous versions used gTLD names and the gTLD operators along with a couple of ccTLDs that were affected like (dot.CN) went out and blocked those names ahead of time so they could not be used for bad purposes.

Martin would you like to add anything?

Martin Sutton: No. Because I think that's fairly well covered. And there was explanation at Mexico. But I think it's just this idea that it is getting into the chain of events within the coding of malware which gives us intelligence and - that can be utilized. But how it's utilized can be difficult if for example whether it's across different TLDs, whether or not that be gTLDs or ccTLDs because how are you going manage the blocking of all of those domains as and when they may be registered.

Man: It falls perhaps into the preregistration category.

Martin Sutton: Yeah.

Man: Okay. Okay, I don't see anyone else's hand raised. Does anybody else have anything they'd like to add?

Woman: (Unintelligible).

Man: Well maybe one thing we ought to do is go through the transcripts from Mexico City.

Woman: (Unintelligible).

Man: Which would be our initial working group meeting and then the public workshop. Make a list of all of the specific potential problems that people raised and then of course we can add our own if any of you see any you'd like to add to that list. But maybe what we ought to do is start a working list that we can refer to and maybe eventually some of those get blown out into writing in our report even.

So I'd like to get something down on paper is what I'm saying. Do we have any volunteers for that work?

Woman: Greg, this is (unintelligible). I'm happy to go through the transcripts of the workshop and the meeting and pick out the things that I think might be relevant and put them together in a document that the people can add to.

Man: That would be wonderful. I know we have a transcript of the workshop. Do we have a recording of the first meeting.

Woman: I would need to check that with Glen. Glen are you still on?

Glen Desaintgery: Yes I'm still on. Was (there) no - which - when was the meeting in?

Woman: It was on a Monday morning. I think was (done the day before)?

Glen Desaintgery: Ah. No there was no - that was the meeting that there was no recording or transcript.

Woman: Okay. I think I did take some notes. So I'll go back to those.

Glen Desaintgery: Yeah. Okay.

Man: Okay, we'll reconstruct that one as best we can.

Okay. Okay. Let's use that as our document that lists specific items. And Jeremy also volunteers. Jeremy you were in the initial meeting as I recall, is that right?

Jeremy Hitchcock: That's correct. Yes.

Man: Okay. Do you have any notes from that meeting.

Jeremy Hitchcock: No, I don't.

Man: Okay. Well maybe on the list or during the course of the next two weeks we can see who does have notes like Marika says and we'll start to add things into her documents.

Okay, Jeremy do you have anything else you want to add?

Jeremy Hitchcock: Yeah, I just wanted to mention that when we're thinking about registration abuse and the type of - and this is probably getting a little ahead of ourselves in thinking about what the outcome is, but the type of registration abuse that we can - that ICANN actually has tools to use against preregistration abuse or any of those things is very different on

the gTLD side as it is with the ccTLD side. Because those (actors) are - or registries are - they're regulated like they - not contractual parties like the gTLDs are.

Man: Very true. What do you think might be the implications of that?

Jeremy Hitchcock: If - well I guess generally speaking if there were you know - put strict rules on preregistration on registration on gTLDs then if I was a bad (actor) I would just find whatever the least restrictive ccTLD was and I would go make all my registrations there.

That's not to say that they shouldn't have policies on those things but it's just more of a you know thinking about where efforts of this working group will be applied and the gTLD space is really the only way that - the only place that I see that it - getting directly applied.

Man: Well, one of the things that we can do is to recommend policies which as you - you know recommended we look at policies which would be binding on gTLDs. However the group can also make other kinds of recommendations which could include things like best practices which could be recommended to all TLDs. So the options are open to us at this point.

I see James has his hand raised.

James Bladel: Oh hi, just a couple of quick comments. One was that that could be a Conflicker warm discussion. Perhaps as an overview of how that worked and how it was intercepted or mitigated could be posted to the list because I think it's - there may be some visual elements involved that are difficult to follow on the conference call.

And secondly I just wanted to point out Marika should still have some of my slides for example from the workshop. So if we could maybe add the slide decks into the transcripts that might be helpful.

Man: Okay. And I can - I can send some links up to the list about Conflicker and how it's been dealt with to date. I'd be happy to do that.

James Bladel: And the only other item was I noticed that - Kristina dropped off but maybe this question is directed more towards Mike. Is it the council's expectation that a - Greg mentioned earlier with the discussion of the charter that this is not a proper PDP or it's a pre-PDP working group. But does this mean that a full PDP is the expected outcome of this group including the charter motion or is that still yet to be determined?

Mike Rodenbaugh: Definitely yet to be determined. It's just one possible option. Look at as we did with the domain tasting issue. This is saying the preliminary you know ad-hoc group as it was called at that time that's tasked with putting together the factual situation from which - and some recommendations you know if we can come to consensus on them or otherwise that document what potential avenues could be for the council (unintelligible). You know that could be a PDP or it could be other things. It could be more work.

James Bladel: Okay. Okay, so that - I guess I'm having trouble imagining what some of those alternatives could be. Maybe as we get further along we can brush those out.

Mike Rodenbaugh: Well, so for example in the domain tasting we didn't have a full blown PDP after the domain tasting group. We had a shorter process

basically or rather call because we realized that we'd already done a lot of the work that would be done in a PDP.

James Bladel: Okay, thanks Mike.

Man: Okay. Richard?

Richard Tindal: Yes. So, I guess I'm still struggling with what abuse means. The definition - I know we're here to go over the definition of that. You know - (unintelligible) clear case to me of illegal activity, but clearly it could be other things apart from that.

I was just wondering if some of the folks on the call really (unintelligible) could give a couple of working definitions of what they think domain abuse is. It would be helpful for me.

Mike Rodenbaugh: Well, I don't know if it's helpful Richard but I just - it's Mike Rodenbaugh and I would just say that abuse is really any sort of illegal activity that comes to the attention of -

Richard Tindal: I'm having trouble hearing. I'm sorry.

Mike Rodenbaugh: I'm sorry. Is this better? I would just say that abuse can be defined in this broader sense anyway as any sort of illegal activity that is brought to the attention of a registry or registrar because they're in a position essentially to deal with it.

Richard Tindal: Must it - I have a question. Must it be illegal? The domain tasting issue was one where it was basically determined to be an abuse, but it wasn't illegal. It was taking advantage of a loophole.

Mike Rodenbaugh: I guess that's fair enough. I would prefer not to touch it in terms of illegal or legal because then the next question in my mind is well whose law are you talking about.

Man: Okay. Jeremy? You have your hand raised?

Jeremy Hitchcock: I was just going to add malicious to the definition of abuse just like Mike said. Whose law you define? And certainly there's certain types of law where any of these activities are legal -perfectly legal and perfectly acceptable in the local jurisdiction. But this group would probably would unanimously identify some type of activities as things that we would not want to see.

So somewhere between malicious and illegal, but it's not always both it's not always one or the other. It really depends.

Man: I see Philip's hand, right?

Philip Corwin: Yeah, I just wanted to note that on the legal and illegal, certainly criminal activity should be included. Trademark infringement is illegal though it's not always criminal. That should include. And there may well be other abusive actions which are not criminal or illegal this group wants to address. However with the caveat just reminding everyone that the charge of our group is to address abuses in the registration process and not if you know if someone is abusing a domain name but there's been no abuse in the registration process it's probably outside the scope of our group.

Man: Okay.

Philip Corwin: It would seem to be correlated by the scope of our group. And certainly in these criminal activities there's almost - I don't know of any that don't always involve abuse in the registration process whether it's using stolen credit cards or providing false WHOIS and for some potentially false WHOIS information, etcetera a criminal has done to abuse of registration process consistently when they're planning a criminal enterprise using domain names.

Man: Okay, thank you. By the way we're coming up on the top of the hour. We had scheduled this meeting for an hour and a half so we should probably start to wrap up.

A question has been raised should we having our bi-weekly meetings for an hour or should we meet for a longer period of time? What are your opinions? An hour or an hour and a half every other week?

Martin Sutton: Couldn't we just schedule in an hour and a half and hopefully the agenda will drive the actual time needed. I think it's easier to schedule in 90 minutes and then reduce it down rather than the other way.

Man: I guess the question is can the majority make 90 minutes available?

Mike Rodenbaugh: I think - I like Martin's suggestion. You know if we can at least schedule it in and see how it goes. I'd rather start bigger and get more work done sooner and get an idea of what our work is like before we decide to cut down the call to you know one hour every two weeks. It's just not very much time.

Man: So Martin you're okay with it. Mike you're okay with it. I mean I can make an hour and a half available. Is there anybody else who would not be able to accommodate up to an hour and a half at least for the next several meetings? And...

Faisal Shah: This is Faisal. I'm okay with an hour and a half.

Gretchen Olive: This is Gretchen. I'm also fine with an hour and a half.

Man: Okay. Marika, Glen and Margie are you going to be able to be with us?

Glen Desaintgery: Yeah, we do have an inflicting internal call but we probably need to review if we can maybe change that.

Woman: I seem - yes it seems to be all right.

Man: Okay. Let us know if any problems there.

Glen Desaintgery: Okay.

Man: But it sounds - and Phil and Mike have logged in and said an hour and a half is - it sounds like we have a consensus. Let's schedule in 90 minutes and if we don't need it we find that's fine. Okay, sounds good.

Gretchen Olive: And bi-weekly or weekly?

Man: We decided in Mexico City to go bi-weekly.

Gretchen Olive: Okay.

Man: In this same time slot. So the next meeting would be...

Woman: The 30th of March?

Man: The 30th. Does the EU go to daylight savings time around the 29th by the way?

Woman: That's how it is.

Man: So...

Woman: So I'll work that out. If this time EDT suits you I'll work it out for the - for everybody. For the next meeting. I'll let you know.

Man: Okay, so I think for the moment we're planning for the same time UTC.

Woman: So if this time is okay for you for EDT...

Man: M-hmm.

Woman: Then I'll work out the UTC for you with the change of time.

Man: Okay. Sounds good. We have a few takeaway action items that we can pursue through the list. We're going to - and please let me know if I've missed any but we're going to check off on our (S-sac Invite) if Mike and Jeremy could look at the correspondence and maybe find (Steve Crocker)'s note put that up to the list and we'll check off on that.

There's a question about Sydney and I'm assuming we will definitely have a working group meeting there and there will be some sort of a

council discussion and an update there. So we should put that on the agenda for Sydney.

There's the question of the 90 days, is that the target for a document and Kristina was going to look back at the correspondence and put that up to the list. There is the - Marika's going to post to the list any background about dependencies for example are any other groups looking to us for guidance regarding new TLDs or so on.

Marika was also going to look through the transcripts from Mexico City and we'll start a list of specific possible issues for discussion. I will post some information to the list about Conflicker. Is there anything else that's an action item for the next meeting?

Gretchen Olive: Statements of interest?

Man: Ah yes, statements of interest. Thank you. If you haven't done that please send that in using the guidance in the template.

Mike Rodenbaugh: Are we going to start putting together instances of abuse? I thought that Faisal and Gretchen we're going to come up with this?

Gretchen Olive: Yes, with Martin. Yes.

Mike Rodenbaugh: Okay.

Man: Okay, that's yes. Gretchen and Martin definitional work. Thank you.

Gretchen Olive: Faisal's in that party too.

Man: And Faisal.

Faisal Shah: Oh, thanks Gretchen.

Gretchen Olive: Oh, you're welcome.

Man: You're volunteered. Okay did I miss anything else? Okay, so how do you think this first meeting went? Any suggestions or comments?

Mike Rodenbaugh: I think you did a nice job laying the foundation. Obviously I'm sure all of us want to do a little more on the (substance of work) in the future calls but we've got to get off on the right foot so it's all good.

Man: Anything else from anybody? All right. All right well we'll have our next meeting on the 30th and we'll get the scheduling information from Glen.

In the meantime we can go to the mailing list and we'll have a variety of things being posted up there and we can start discussion.

So thanks for your time. Thanks for helping get this group underway. Always look forward to your comments about how I'm doing and if there are no comments we will end on time.

((Crosstalk))

Man: Thanks everyone. Have a good day.

Woman: Bye.

END