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**Registration Abuse Policies Working Group
TRANSCRIPTION
Monday 03 August at 14:00 UTC**

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<http://audio.icann.org/gnso/gnso-rap-20090803.mp3>

On page:

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

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Present for the teleconference:

Greg Aaron - Registry C. - Working Group Chair

James Bladel - Godaddy Registrar C.

Mike Rodenbaugh - CBUC

George Kirikos - CBUC

Mike O'Connor - CBUC

Roland Perry - Individual

Berry Cobb - CBUC

Jeff Neuman - Registry constituency

Faisal Shah - IPC

Rod Rasmussen - individual

ICANN Staff

Margie Milam

Glen de Saint Géry - GNSO Secretariat

Gisella Gruber-White

Apologies:

Marika Konings

Frederic Felman

Coordinator: This call is now being recorded.

Gisella Gruber-White: Thank you (Leslie). Good morning, good afternoon everyone. On today's RAP call we have Fazal Shah, Greg Aaron, George Kirikos, Barry Cobb, Jeff Neuman, Mike O'Connor, James Bladel, Roland Perry, Rod Rasmussenn. From staff we have Margie Milam, Glen DeSaintgery, Gisella Gruber-White myself, and we have apologies from Frederick Felman. Thank you.

Greg Aaron: Okay, and Mikey I know you will be dropping off a few minutes early. Thank you for your note. Okay. Well let's go ahead and get started.

We - in our last action packed episode, we were talking about WHOIS. And in last call, we had reached what seemed to be unanimous consensus on not trying to get deeply into who has questions. But then Mike Rodenbaugh suggested carving out an exception because he wanted to look at proxy contact information issues.

I was going to get him the floor to talk about his interest, but he is not on the call, at least not yet. I had also left that issue open on the list for other people to weigh in.

I had a couple of people disagree - agree like Paul Stauffer and then Beau Brendler and Roland Perry said that they did want to discuss Who issues - WHOIS issues.

Although it was unclear from their posts whether they just wanted to look at proxy stuff like Mike, or if they wanted to be more expansive than that and look at additional issues.

So at the moment, I have alternative views of some sort from Mike O. and Roland, and then a group that had supported not getting deeply into WHOIS. And that group included James, Barry, Phil Corwin, Fred, (Jeremy), George, Mikey, (Gretchen), Rod, Fazal also (Hera), Andy Steingruebl, (Martin Setten) and myself.

So that is where we seem to be at the moment. Those with alternate - let's see, I do not think we have Mike or Beau or Roland on the call today.

Gisella Gruber-White: You have got Roland.

Greg Aaron: Wait, wait, wait, wait. I am sorry. Roland you are with us.

((Crosstalk))

Greg Aaron: Roland would you like to speak about your muse?

Roland Perry: Yes, okay. Actually I just spent the last couple of hours listening to the mp3 of the last meeting and that has given me a little more clarity of what you were discussing, what positions people are putting forward.

I think really I am just saying I do not think we should rule out some kind of discussion of WHOIS particularly as appears to have been established that there is no other currently active group looking at WHOIS.

And therefore, maybe I am not saying we should look deeply into it. We should at least categorize some of the issues arising from the WHOIS such as false details and abuse of proxy services.

So whether that is strong enough to veto that note I think you were trying to send to the GNSO council, I am not sure. It is all getting a bit too convoluted for me I am afraid.

Greg Aaron: Okay. James I see your hand.

James Bladel: Hey yes. And I would like to point out I think maybe perhaps Margie and (unintelligible) and weigh on this. But there are some efforts. I do not know if they would - I would characterize them as active groups, but there are some efforts underway to study and collect data on WHOIS accuracy and the popularity or prevalence maybe not tied to abuse but the popularity or prevalence of proxy services.

So I just felt overall that there is some data gathering efforts going on that perhaps could better inform this discussion.

Greg Aaron: Okay. Thank you. George?

George Kirikos: Yes. I would just like to restate the position I put on the mailing list, namely that the addition of proxies WHOIS was that some registrars were not divulging the WHOIS upon reasonable evidence of abuse. At least that is what Mike Rodenbaugh had posted, which is really not of any significance because if a registrar is not providing information, then they basically take responsibilities for themselves because they are not availing themselves of the Safe Harbor.

So whether they avail themselves of the Safe Harbor or not does not eliminate anybody from responsibility. That was my main point so if that was the justification for opening up WHOIS, then it is not really a valid concern in my view.

Greg Aaron: Roland what is - I sent out some notes about kind of the history of WHOIS discussions of the GNSO. And where we are right now is there were two groups previously. One was basically a taskforce which I guess was an old term for a working group, 2006 and 7 I guess, if my recollection serves correctly.

They were not able to come to any consensus on the various issues they discussed. So the GNSO formed a hypothesis group which came up with a list of issues and questions on all kinds of WHOIS topics including inaccuracy, use of proxy contacts and so on. And that is available on the GNSO Web site.

And then that group - then what the council decided to do is they chose - the council chose six of those questions that group came up with and asked that the staff perform studies of those. Three of those questions were about proxy WHOIS, others were about inaccuracy and so forth.

So the ICANN staff has been in the process of commissioning those studies and doing RFPs for them. And those - one of the reasons they are doing these studies is they - the council asked that actual data be put together because they felt I think that data is some reliable data was going to be required in order to really consider these issues.

I think one of the issues that the taskforce came up with - against is they did not have good data to discuss. So that is why there is no group looking at WHOIS per se, but there is that significant effort going out on those six study questions.

So that is why some folks are interested in letting those studies take place so there is data to look at. And in the meantime, we can go look at all the other issues that we have on our plate.

So that is basically I think where we are. Anybody want to add to that or rebut?

Margie Milam: Greg it is Margie.

Yes. That is the status of the surveys. And that effort is being led by Liz Gasster on staff. I believe there are two other things going on within the GNSO, one relating to the technical aspects of WHOIS. So I believe that staff has been asked to look into issues related to (Iris) and - or (Christ), kind of the technical aspects of displaying WHOIS.

And then I believe there is also another - I will have to confirm this, but there is another effort underway to look at IDN WHOIS. So but those are again not related - neither of those efforts are related to abuse.

Greg Aaron: Yes. The IDN issue has come up in the SSAC and the GNSO. One of the issues that they have pointed to is abuse related actually because the - if you

have WHOIS data that people basically cannot read, then you do not know who to call if there is a problem. That was something the SSAC pointed out.

So I think one of the things they are going to look at is what kinds of information you should provide but also in what formats. So that is one question underway.

I do not know if there is a scheduled date for the delivery of those. I have not seen one - for any of these six studies that the GNSO is doing. Margie do you know anything about those?

Margie Milam: No. I just wanted to confirm that that is my understanding as well that there is no scheduled delivery date.

Greg Aaron: Okay. I know Liz is working on them and I know that there is - she is working on RFPs and they are breaking them up into two group - they have broken them into two groups. That is all I know at this point. They have to - they are going to be funded, so they are doing scoping of the costs.

Margie Milam: Yes. That is right. They are not even actually going underway. They are just trying to determine the costs of those studies before they will proceed. So it is a bit a ways on those.

There is also a compliance effort underway. And I think Stacy Burnette may have given a presentation at the last ICANN meeting. But they are - the compliance is also independently doing some WHOIS related studies. And I can get some information to you if that - to the group from them if that would be helpful.

Greg Aaron: That would be great. I saw a little bit of it. Khalil Rasheed was giving a presentation in Sydney.

Margie Milam: Okay.

Greg Aaron: Did anybody happen to see that one?

James Bladel: Yes. This is James. I was - I attended that session.

Greg Aaron: What was being covered? Do you remember?

James Bladel: And I forget the name of the actual outside consultants, but it was a presentation by compliance and the group that has been contracted to I think it is opinion research. Does that sound familiar?

Anyway...

Margie Milam: Yes. The initials I believe are NORC, so...

((Crosstalk))

James Bladel: Yes.

Margie Milam: ...opinion re - yes, the National Opinion Research something.

James Bladel: Yes. And we went through some of the boundary conditions of what they were looking for. And they were talking about, for example, their sampling methods, what would be treated as an accurate versus an inaccurate record, and looks like George has posted a link. That is what I was looking for. Thank you George.

George Kirikos: No problem.

James Bladel: ...to the chat room. But there was some discussion about privacy and proxy services as well. However, more in the context of whether a private registration would be treated as accurate for the purposes of this study and I believe that we all agreed that that was the case.

So it was an interesting presentation and I think that there are some potentials for follow on studies as well. So there is - this is just one other effort out there to collect data on this issue so that we do not necessarily get bogged down into the traditional WHOIS issues.

Greg Aaron: Okay great. So, that is where we are. The - I think the question for this group is we - the GNSO Working Group Guidelines do not actually address questions like the one in front of us which is if there is not complete agreement amongst everybody about what should we done - do, I mean what do you do? Do you take a vote? Do you go with majority or not?

I mean obviously when possible we are supposed to reach consensus. So what I am going to do is I am going to send that note up to the council. And I will phrase things as we took a straw poll which is a little more informal than say a vote.

But again, I have that list of people that I went over on the call. Currently I have alternate views from Mike and Beau.

Coordinator: Transfer. I am sorry. That is not a valid extension. Please try again.

Greg Aaron: Are you still there everyone?

George Kirikos: George here I am fine.

Man: Yes.

Man: Yes.

Greg Aaron: Okay. I am not sure what happened there. Margie you still with us?

Margie Milam: Yes I am.

Greg Aaron: Okay. Not sure what happened there. Anyway, Roland do - would you - are you still interested in looking at WHOIS issues in the group?

Roland Perry: Well, I think I am in a sense because I still believe that there is a potential abuse at the point of registration if you supply WHOIS details which are patently wrong. So for example (so) my Mickey Mouse example. And also, although I know it is a slightly separate subject, I am concerned about registrations which are done using a proxy service where the proxy service has no I will call it sensible way to get the data. In other words, the proxy service says sue me.

And I do not think that I, as somebody who is - has been abused and then find out I have got a live case at this at the moment. Someone has posted up some highly libelous material on the Web site.

I would like to put a takedown notice on the Web site operator, however I cannot contact them because they are - these (nails) are hiding behind a proxy service who will not reveal who they are.

I do not particularly want to have to go to court and either sue the proxy service or somebody else. I do not know quite who else I would sue.

I think there ought to be somewhere we ought to have some kind of benchmark of a proxy service which is not an entirely 100% (anonymizing) unless you take them to court service.

And I do feel quite strongly that people who hide their details that much are probably doing it abusively.

Greg Aaron: Okay. Barry?

Barry Cobb: Yes. This is Barry Cobb. I just want to say real quick I think there are two different kinds of things going on. And Greg when you talk about the straw poll that we took two meetings ago or almost a month ago, that was - I do not - that vote was - I need to go back and listen to the recordings to get the details of it.

But I do not believe that that straw poll that was taken and that, you know, we had such a kind of a landslide decision on one side, that was not to remove WHOIS discussion off - move it off the table all together, we were still going to bring up those specific types of abuses where WHOIS is used in that case like Roland had just mentioned to us.

I (think) definitely believe those are still a part of this discussion. I thought that our straw poll was more or less to gain clarity as to whether we need to bring in the full world of WHOIS or not.

So I do not - correct me somebody if I am wrong, but I do not believe that it is where we are moving down the path where we just want to take it off the table completely.

Greg Aaron: The language that we discussed was as follows. We would leave WHOIS off the list of registration abuses for major examination, research and recommendation making but would also include examples and background in our report when WHOIS issues are a factor in other abuse issues.

Barry Cobb: Right. So in the case of a proxy as an example, you know, that should be, you know, a valid discussion maybe a paragraph or two in our final report or, you know, whatever our outcome is right?

((Crosstalk))

Greg Aaron: Yes. We are not saying we do not ever mention WHOIS. But we were saying we do not try to delve deeply into those issues that have come up before in the GNSO and are being done in the study questions and so forth, you know.

Barry Cobb: Okay. All right.

Greg Aaron: So, you know, WHOIS is a factor in stuff, but we were not going to take on WHOIS issues head on. That was the discussion.

So anyway, that looks like where we are right now. And also I think what we saw happen is something that happens probably in every working group which is we think we have gotten to a place where we are comfortable and then we need to revisit the issue. That inevitably happens. I mean that is okay.

So that is where we are. The question will go up to the council of, you know, what advice can you give us? We, you know, this is the way we are leaning. Do we need to modify our charter? What - and so forth.

So this is going to be a request. It is (first) letting them know kind of where things are that we discussed this issue and then the question is how are we going to, you know, move forward? We do not have unanimous consensus on this issue. And should we change our charter or do they have any other advice?

And then in the meantime we are letting them know that we are looking at all these other issues. So, Mikey you had your hand up.

Mike O'Connor: Yes. I took it down. Barry covered the point that I was going to make. But just to add a little emphasis, and maybe this is enough to address Roland's concern.

It was also my impression that we would go ahead and talk about WHOIS, go ahead and categorize those and include them in the report. And I guess just to close this off, maybe circle back to Roland to check and see if that is (his) decision because I certainly would not want to completely take it off the table, but I am pretty much repeating points that have already been made.

Greg Aaron: That was slightly different Mikey from my understanding because I did not think we were going to try to categorize all of the WHOIS issues because I think hasn't that hypothesis study group already done that?

Mike O'Connor: Again, I probably worded it wrong. You know, I think our wording was that we would include WHOIS issues as they bear on our topic but not try to cover them all because, you know, I think we are all at the point of (valid) there is registration abuse that involves WHOIS and we need to acknowledge that. We just do not need to cover all the other stuff.

Greg Aaron: Right. And then what the group is also saying is that this is not a statement about how any of this - the validity or in-validity of these WHOIS issues. It is partly - it is mainly about whether we - how deeply or whether we get into these issues in this group.

This is mainly a question for me about is this group the right place to do this WHOIS work?

Mike O'Connor: Yes. And I think that at least the view that I thought we were taking was no we should not - we certainly should not take on the job of trying to resolve these. But at the same time we wanted to acknowledge them and document them as they were relevant to what we are working on.

Greg Aaron: (Good). Fazal?

Fazal Shah: Yes. That was my understanding as well. And I really think that we should not be dismissing WHOIS completely.

The other thing I wanted to I guess talk about is this issue as to whether we should actually include proxy registration as an exception within the letter as something we will be discussing? Should we be doing that as opposed to saying we are not going to be discussing WHOIS until the studies come out?

I mean I do not even know - it sounds to me like we do not even know when those studies are going to be done. And it could be, you know, two years before we even know what is going on. And then at that point, maybe it is a moot issue.

So, I guess the issue is whether we could - can we make some exceptions within the letter itself as to some stuff that we will be discussing?

Greg Aaron: Well it is not for me to say. I mean this is also a question for everyone about how long do you want this group to go or, you know, how much time do you want to spend on it. That is a question in front of the group.

Fazal Shah: Well I do not know if - I mean I am not saying that we should be doing a deep dive. There is no question about that. And I do not think - I mean I agree with Mike in that we should not be trying to resolve all the issues, but there are certain things that we should be discussing.

Okay. It sounds to me like there is some pull on the - in the group that would just rather not discuss it at all and others that would like to discuss it but maybe not take such an in depth analysis.

Certainly it would seem that proxy registration would be something we would want to discuss. And I guess my concern is that, you know, Mike Rodenbaugh is not on the call along with some of the key players. And (unintelligible) the need to discuss kind of him on the call as well.

Greg Aaron: Yes. He was planning on being here when I checked, but - James I see your hand up.

James Bladel: Yes. Just real briefly and I apologize if I am a little behind on this, but you were asking where do we go from here or, you know, what does this mean in terms of the letter.

I am thinking that there may be a way to include what was already captured in the letter but also add some language that captures the concerns about, you know, leaving WHOIS off the table as an issue and what might be missed. And perhaps if Roland or Mikey or someone who still wants to see some of these issues included, that we could ask them to come up with a few sentences as to why they think it should be included.

Mike O'Connor: This is Mikey. You know, I think the letter as it stands already has that.

Man: Okay.

Mike O'Connor: I was really just trying to clarify my understanding of the sense of the letter because...

((Crosstalk))

James Bladel: Well it did not sound like it met everyone's satisfaction though Mikey so that is why...

Mike O'Connor: Yes.

James Bladel: ...I was just...

Mike O'Connor: Well I think that what triggered it was - and it is too bad that Rodenbaugh is not on the call, is the discussion on the list about proxy and, you know, I did not pay a lot of attention because I just didn't. So, I do not know quite how to

handle that. But, you know, if indeed the sense of the letter is we are going to remove WHOIS from our discussion entirely, then I do not support the letter. But as the letter stands right now, that is not the way I understood it was worded.

Greg Aaron: Sounds like I am going to need to send out a new version of the letter and ask for one more round of comment because Mike and Beau are not on the call and everybody else can take one more look at it. And then in the meantime we can move on. How does that sound?

And then if folks want to propose some additional language for the letter that is fine. I will send up a new draft.

Mike O'Connor: This is Mikey. That is fine with me.

Greg Aaron: Okay. Okay. All right. So that is what we will do with WHOIS. Next thing on our agenda is an update from our cyber squatting group. Fred gave apologies today. Mike Rodenbaugh is not on the call. Michael Young is not on the call. Paul Stauffer is not on the call. Phil Corwin is not on the call but James Bladel is.

James Bladel: All right. I knew this was going to land on my lap. So just as an update, Mike R. has posted a definition of cybersquatting. As it reads it is part of the ACPA and posted that over the weekend and I had a chance to briefly review it.

I posted a couple of response questions, but to be honest Greg that is kind of where we left it as of this morning.

Greg Aaron: Okay. As one person, Michael Young said, he wanted to take a look at it and had not digested it yet.

James Bladel: It is a pretty lengthy definition and I think my response was something to the effect that there is plenty of concepts here that we can probably borrow in

crafting our own definition, but there were also some areas of concern. So and I wanted to get Mike's response on that as well as some others.

Greg Aaron: Okay great. So that is a new post. We should all take a look at it, sounds like, in preparation for additional discussion. So thank you for that.

James Bladel: Sure.

Greg Aaron: Next item is the Uniformity in Contracts group.

George Kirikos: George here. Just wanted to ask about that point. I looked at the Wiki and there (does not) seem to be any updated definition...

James Bladel: Yes.

George Kirikos: ...unless it was just posted.

James Bladel: Yes. Sorry I was on mute. Yes that was correct. Actually I think that Mike just sent it to the Definition Working Group. So that was the folks that you named earlier Greg.

George Kirikos: Oh okay.

James Bladel: If you like, I can post that to the list as a whole or post it to the Wiki. The Wiki probably sounds a little more appropriate.

George Kirikos: Yes because my take away from the last meeting was that we were supposed to get notice of the changes, you know, discussed on the list and then have it ready for this meeting. And it is kind of sad that it is, you know, you know, going to be another two weeks before we discuss it again.

Greg Aaron: Yes.

((Crosstalk))

Greg Aaron: It just got posted so it does need to go up on the Wiki where everyone can see it.

James Bladel: Okay. I will work to get that definition posted to the Wiki as well as I believe I am the only one that has commented on it thus far so I can post that to the Wiki as well.

Greg Aaron: Okay. Thank you. Okay. Anything else on cybersquatting then? Bearing none, I am going to move onto Uniformity in Contracts. And Barry and his sub-team had a recent meeting and been doing a lot of work. So I would like to turn things over to Barry.

Barry Cobb: Okay thank you. I will try to be quick and brief about this. We met last Wednesday and there were four or five - five or six of us on the call. We had a pretty good discussion about the topic of uniformity of contracts.

Prior to the call I had kind of re-read through some components out of our charter and tried to put - build kind of a prototype that would hopefully address some of the questions or action items out of that charter.

I think that in long kind of a short title of it we are calling it a survey for lack of a better word right now, but in general it was kind of an instrument for us to gauge on how well we can (sort of) try to acquire information from the registrars and registries out there in the market that understand do they list abuse provisions in any of their contracts or terms of use agreements and those kinds of things.

And regardless, you know, what actions to they take against these types of abuses. So we spent the first half of the call kind of talking about this prototype survey.

Bottom line we realize that we were not ready to move forward with building anything like that for a couple of reasons. First and foremost, this prototype was structured about the abuse types that we are defining within this working group and we need to wait until that list has been finalized before we try constructing against that template so to speak.

The second aspect as well is that we are not 100% clear exact - how we would get participation and understanding specifics as it relates to what actions are really taken out there. You know, is this something that we can approach the marketplace? And like as a traditional survey format maybe get 10 to 20% response or do we work through going through the registry registrar constituencies and trying that avenue.

So for the most part, we are kind of tabling the survey for the moment until - and we basically came to the consensus that we need to kind of do a little bit deeper dive in research.

So the main action out of the group right now is we are taking a little bit deeper dive on the aspects of understanding the dispersion and variance within our contracts, but not our contracts but within registrar registrant contracts and those terms of use etcetera, and really get a better understanding of what terms and provisions and language are being used out there.

We are going to have kind of a - basically going to start with the top ten registrars or any publicly available type documents to better engage what this dispersion and variance looks like.

And we are basically going to be meeting every other week opposite of this team as kind of our schedule, but on our next session, we are going to take a look at what we found out of these top ten registrars first and foremost and see if we are going down the right path.

With the top ten, you know, are we finding that this dispersion and variance is so bad that we do not really need to bother going down further down the list of gathering some research or should be take a little bit better direction.

So that is basically where we stand. We talked a little bit about what our deliverables out of the sub-team would be. And for the most part it is going to be a draft document that would be inclusion for the overall registration abuse policy report that would be going out as a conclusion of this working group.

And basically what we will include with that is any of our research findings, any patterns or themes that we may have discovered and some overarching recommendations. And of course before we formally publish anything to be inclusion to that report, we will definitely be sharing it with the overall working group as well and make adjustments as necessary to gain that appropriate consensus.

And then lastly we just talked about how often we are going to meet. And so, like I said, we are basically going to leap frog the working group sessions that we have and start meeting every other week.

Oh, but, so nothing really tangible out of the session yet. Nothing worthy of posting to the Wiki, but by the conclusion of our next call, we should have something better to physically share with the group and move on from there.

And James and Mikey please add to anything if I may have forgot something.

Mike O'Connor: This is Mikey. I just want to compliment Barry on doing a fabulous job as our fearless leader. And as you can tell from his summary, he has got us marching down a very clear path that I think we are all really comfortable with and he is doing a fabulous job.

Greg Aaron: Absolutely. Absolutely. It is much appreciated.

Barry Cobb: Save it for when we are done. Thank you though.

James Bladel: This is James. I just wanted to also thank Barry so far. And, you know, I think that this is - this effort has a lot of merit and a lot of good can come out of it.

I did have a couple of hesitations which we expressed on the call especially with regard to asking registrars about internal procedures which I do not think we are going to get a lot of participation on that.

And then the other part being that any type of (terrorists) or public ranking of registrar abuse practices could be a, you know, a trepidacious topic to introduce.

But other than that I think that we are definitely on the right track. And I did have one question for you Greg as the Chair, we have this group and we have the cybersquatting group and I think just to head off potential questions down the road, if we could identify under what area of the charter these efforts fall.

And just off the cuff, I would like that the cybersquatting working group falls under the definition section of the charter and that the Uniformity of Contracts falls under the research and data collection area of the charter.

But I am just trying to anticipate some of the questions that might be asked down the road when these groups actually produce their output. So I just wanted to put that on the table as well.

Greg Aaron: I think they are pretty explicitly covered. We are supposed to look in depth at each issue enough to talk about them and perhaps make recommendations to council. So that is what we are doing with cybersquatting.

The charter also explicitly ask that we do research as necessary or as we deem necessary. So and very explicitly asks us about looking into uniformity in contracts. So I do not see any particular problem.

((Crosstalk))

Greg Aaron: I think we are well.

James Bladel: ...on agreement on that then.

Greg Aaron: Yes. I think we are well within our agreement.

James Bladel: Okay.

Greg Aaron: Yes. Okay. All right. So anybody have any additional questions or comments about the Uniformity in Contracts effort? Hearing none we - again we appreciate what you guys have worked up so far and look forward to additional iterations. So great work guys.

Next on the agenda is an update from Rod Rasmussenn who has been working on the Malware and Botnet control issue. So over to you Rod.

Rod Rasmussenn: Okay. I would say that some work has been done (as well). But we got - I worked on updating the page with at least giving a (trend) give a (straw ment) for a description of what the issue is and put some references to external documents and information that outline three of the major Botnets to the views, the technique of preregistering main names - or not, you know, I am sorry, not for registering the main names, redefining the main names that they would use in order to execute (the amount) of control or rendezvous or other means of allowing Botnet masters to control their Botnets.

So, it is just - it includes (picker). That information has been updated there. That is about it so far, just getting some - that more background information

and details and, you know, working on at least a little bit of a definition around the problem.

Going forward, I am not sure how we want to proceed on this. Do we need a group? Do we need just to flush this out as a question? That I am not quite sure what the charter is so to speak. If they are (unintelligible) for a sub-group other than information on the table and (probably) cover this. Go back to you.

Greg Aaron: Oh I had volunteered to help you with that one because I have dealt with Conficker. I guess the - we need to fill in that template which would include the background which you are taking a whack at right now with that material you just mentioned.

We need...

((Crosstalk))

Rod Rasmussen: Was it me or did - was it just me on my end or did Greg just drop out there?

George Kirikos: I think it is you on your end Rod.

Rod Rasmussen: Okay.

George Kirikos: You dropped out a little bit when you were talking.

Rod Rasmussen: Okay yes. I am on a cell phone and unfortunately my provider, my carrier is not all that great in my own house. So.

Greg Aaron: Um-hmm. Okay. No problem. What we need to do is fill in that template that we are using for the Wiki. So we are working on some background material right now.

Another section we would need to work on somehow is what would be recommendations if any for example. So as long as we can fill in that template, we will be fine. And that is our goal.

So, I do not know if there are any recommendations for action or for anything else at this point, but we should consider that.

Rod Rasmussen: All right. You know, filling out the templates I think fairly straight forward. There is a body of evidence all - evidence and actions already out there that have been taken in response to these various Botnets. So filling it out based on past history is fairly straight forward.

And that is something I can probably get done in the next couple of weeks without having a formal committee. That is just a matter again of getting information out there.

It was I think a very cogent (yeah) I would call it a page worse of a document from the people at the University of California Santa Barbara who used the rendezvous capability of Torpig to take over the Torpig Botnet briefly. And actually they found terabytes and tera - no I am sorry, 70 gigabytes worth of personal stolen data as a result of that. That was kind of fun.

It was an interesting paper. I have got that on the Wiki as far as a link to it. But they have a very cogent description of the issues surrounding going after these domain names and either trying to pre-register a block registration, how that is an asymmetric problem.

I think that is well worth people's time to take a look at that because it really helps I think enlighten the issues here from a both a security standpoint and a policy standpoint. They have followed it through pretty well. So that is why I recommend that.

And I will work on flushing the rest of that out. From there, I think, you know, the group can decide whether the various recommendations it wants to put forward if any.

Mike O'Connor: Rod this is Mikey. Would you be comfortable throwing out some preliminary recommendations just as a draft given that you are so close to this?

Rod Rasmussen: Yes certainly. This has been fairly well discussed as far as different things that can be done. The overall - well I will throw - yes. I will answer - (discriminatorily) answer yes I will do this.

Greg Aaron: Rod you dropped out again.

Rod Rasmussen: Okay I am sorry.

((Crosstalk))

Rod Rasmussen: So the - I am sorry Mikey. Did you want - did you - were you talking about right now discussing that or were you talking about putting it up on the Wiki page?

Mike O'Connor: No I was talking as you are filling out the rest of that template, do not be shy I guess about...

Rod Rasmussen: Okay.

Mike O'Connor: ...throwing some recommendations at least as a draft in there because you are probably are one of our best experts on that topic.

Rod Rasmussen: Yes no problem. I will do that.

Greg Aaron: Okay. George?

George Kirikos: Yes. I just wanted to ask Rod whether the standard protocol is taking into account the involvement of law enforcement because anything we recommend we do not want to block off, you know, law enforcement's attempts to solve the problem.

Like you said, you know, one strategy might be to take over the Botnet if we decide to do a policy to reserve certain needs that are not (unintelligible) strategy? So I just want to ask...

((Crosstalk))

Rod Rasmussen: Yes. One of the...

George Kirikos: ...there is ethical and legal issues involved obviously.

Rod Rasmussen: Yes there is both and a statement within the security committee as well. And there is different camps there as to how involved you get with and without law enforcement involvement etcetera.

What I do know is has been a proposal or a specific proposal put forward to have, you know, a specific relationship with a single or a set of registrars and law enforcement to enable them to be able to do some, you know, kind of investigatory work as part of a formal process.

And Conficker was a kind of a watershed event in bringing that forward. So there has certainly been some consideration and debate about it. I do not know that there is any particular issue or particular recommendation that we can glom onto but that is - I will try and get some more of that out - as much as I can at least because there is some of that I am privy to that is not really in the public eye.

George Kirikos: Right because, you know, there are issues that, you know, good Samaritans having good intentions that do things and - but then you do not necessarily

want them, you know, everybody in the public to have a gun and vigilante justice.

Rod Rasmussenn: Right. Right. You know, just before, you know, broader perspective and we deal with that and, you know, that is what my business has to deal with every day.

George Kirikos: Yes.

Rod Rasmussenn: We get - we work for banks setting on sites. And once in a while we have law enforcement say do not touch that. And, you know, we are kind of caught in the, you know, there is not a necessarily legal leg for law enforcement to stand on when there is a server in, you know, Romania that is attacking a bank in Canada, but, you know, we try and work with them to help the investigation while at the same time trying to curb the abuse.

So it is tough. And...

George Kirikos: Oh I know. I agree with you.

Rod Rasmussenn: ...creating a formal policy around it is even harder.

Mike O'Connor: This is Mikey. But you know, I think that to the extent that you could hypothesize some useful policies that would make it easier for that kind of situation that would be a great contribution.

((Crosstalk))

George Kirikos: Don't you...

Mike O'Connor: Right.

George Kirikos: ...GAC to also get involved?

Greg Aaron: I am sorry what...

George Kirikos: Are - do we - actually do we have any reps from the GAC on these workgroups or are they kind of just watching from the sidelines, the government.

Greg Aaron: The GAC usually does not participate in GNSO because GNSO is - one is about government, the other one is about...

George Kirikos: Right.

Greg Aaron: ...you know, the other groups. And they usually - they - I think by design they do not have crossover unless they want to collaborate on something.

George Kirikos: So, I guess if we recommended something to ICANN, ICANN might consult the GAC or if the GNSO recommended something to ICANN, ICANN might consult the GAC.

Greg Aaron: Okay. All right. Anything else on Botnets and Malware? Okay. Hearing none, the next topic on the list is front running which is on our list of proposed abuses.

Near the top of the meeting by the way I sent the group a document which has a little snippet about the definition of front running. So if you have your mail available, please open that up.

I am also going to paste it into the chat window so you can see it. And I am going to post two links. And then some material from that.

What this is, is there were two reports by the SSAC about front running. And they came up with a definition. So that is what I have sent over to you for reference, and if you could take a few minutes to read that.

Actually we are not - getting up near the top of the hour. Why don't we take like a five minute lull so you can read that or take a break and we will start up the conversation in five minutes. Why don't we do that?

Man: That is fine.

Greg Aaron: Okay thanks.

Okay and we are back. Okay. Has everyone had a chance to look at that SSAC background or do you need more time?

Mike O'Connor: I am okay. This is Mikey.

George Kirikos: I am good too. George here.

Greg Aaron: Okay. So that is - those are the two reports that the SSAC published. And I can also give you some background about what has happened in the GNSO since then, which is very relevant for us.

The SSAC second report came out in January 2008. And one of the things it talks about is the Network Solutions implementation. And you can read it in the report, but basically Network Solutions was doing something on their site.

If a potential registrant went to their site and did a look up to see if a domain was available, Network Solutions would go ahead and register that domain. So - and then basically offer that domain to the person or reg - I forget if they are registering it under Network Solutions as name or how they were doing it.

But basically they would register the name for four days. And if the name was sold to the person who was interested in it, then it was given to them. And if the name was not sold, then Network Solutions would delete the name within

the add grace period. And the name would be back in the pool of available names.

I remember that Network Solutions went in front of the SSAC the next month, in February 2008 to talk about their implementation. That was at the ICANN Delhi meeting. What eventually happened is they stopped offering that implementation. And the GNSO started discussing the excess deletion fee.

This came about through a PDP and it became a formal policy earlier this year. Basically what that consensus policy says is that if a registrar deletes more than - I think it is 50 names a month in the add grace period, and that represents 10% or more of the domain creates they do.

Then they get charged extra. They basically get charged a fee for excess deletions.

That was ostensibly to deal with domain tasting. However it was also going to have an affect potentially on front running because if a registrar was registering a lot of names and then throwing a lot of them back they would get hit with that fee and it would be a deterrent.

The GNSO - there was discussion at the council that they would look at the excess deletion numbers once they started becoming available. And I think those first ICANN reports from the registries are probably about due to be posted.

So there was an action item that the council would take that up and look at it at some point. And I think that is where things are. So that was some related stuff that happened.

So, that is where we are and we should open this topic up for discussion. So James?

James Bladel: Yes Greg. I just wanted to point out that while the topic thus far has been relative to registrars that I think the real true threat from front running comes from different types of spyware or malware etcetera that could be used to intercept that traffic, whether it is actually residing on the client machine or somewhere in between.

So I just wanted to put that out as a - this is not necessarily a registrar exclusive issue.

Greg Aaron: Okay. Roland?

Roland Perry: Yes. I was just going to point out that front running only is a problem if it is associated also with abuse. In other words, if you hold back the main out to ransom in some way.

Now you might hold out to ransom only very slightly by saying you can have this name at this list price. But if you register it through myself not through any other registrar or actually if you warned potential registrants when they looked up a name if you put a (ruling) on the page and said if you look this name up we will register it and keep it safe for you and you can come to us later and say actually I would rather register that through a different company and then we will let you do that or whatever level of transparency it involves.

So I think the process of front running, certainly through registrars I think should be fairly well understood. But you have to link that with some kind of abusive behavior as well - anti-competitive almost behavior as well.

Greg Aaron: Okay. George whose hand is up.

George Kirikos: Yes. This kind of reminds me of quantum physics. I do not know if people are familiar with Schrodinger's cat where the act of observing something can alter the outcome. This is kind of what we have, the active observing whether a

domain name is available or not. It tips off people to register the name and sort of affects the state of the registration.

And just to follow up on the previous speaker, it is definitely not just the registration - registrar crust issue. It could be done at the registry level because registries are allowed to monitor the DNS and Zone traffic.

And the latest contract provisions allow them to use that basically any way they want. So, you know, they could notice that, you know, X, Y, Z dot com or whatever is getting a lot of extra traffic and it is unregistered. So they could preemptively register it and this could be done, you know, just like the (new net) plug ins were doing the same thing and ISPs can also, you know, monitor DNS traffic for invalid domain names and grab them.

And I guess partially the registrars can mitigate the problem by - if they want to maintain a trust relationship with their clients through other contract or by technical counter measures for example, instead of using the check command to see whether they are regis - a domain is registered or not.

They could just, you know, sign up for the bulk zone file access, download the entire zone file and do a local check. And then that does not, you know, that allows them to do the look up in secret. And if the name is not in the zone file, you know, there is a 99% chance that it is available, assuming the domain was not registered in the past day or that domain, you know, might be registered but have no name servers for some reason.

Greg Aaron: Okay. Anything else you would like to add? If not we will...

George Kirikos: No. I am done.

Greg Aaron: Okay. We will move onto Jeff Neuman.

Jeff Neuman: Yes. Just a question. We are still talking about - and a definition by the SSAC is only when the queries are coming from an individual user, right? I mean that - we are not - it sounded like the last - George I mean it is kind of like you were going a little bit broader to that as far as all of traffic data as opposed to just when an individual user is checking the availability.

I just want to verify that we are...

((Crosstalk))

George Kirikos: That user could check availability several ways. For example instead of going to our registrar, they could type in www dot blah, blah, blah, dot info and they notice it is not registered.

So if a registry, you know, wanted to, they could preemptively register that domain name, you know, because they got one (lick) up. You know, well they can obviously (chew) the threshold.

Jeff Neuman: All right. But are you saying that is abuse?

George Kirikos: Well some people might consider that front running. I am not necessarily sure the definite use. Well the registering that definitely has a competitive advantage because they have insider knowledge that nobody else has access to.

I guess the question is are all kinds of unequal levels of information, you know, asymmetric information, are all of those considered to be bad because, you know, in the real world, you know, people do have different levels of accessed information.

You know, I, you know, more thorough analysis of IBM, you know, using all publicly available information might make me, you know, be a better stock picker. But I guess this goes back to trust, you know. Are the registries plus a

lead trust to not use certain kinds of data in certain type of ways. That is (not how I get) the policy question.

Jeff Neuman: I mean there is a provision about registries warehousing names, right? So the registry is prevented from warehousing names, you know, so I guess that is...

George Kirikos: Well they are...

Jeff Neuman: ...in the registry agreements as well.

George Kirikos: You are allowed to use that data though. So the question is let's say they sell that data to somebody and then that somebody else registers the name. Is that bad, good, who knows because (unintelligible) that could be a good case for allowing that data to be used for example.

People are talking about having an instantaneous, you know, Nielson type rating system, you know, where you see the DNS traffic to a certain site, you know, spike, you can kind of have like a real time ratings which, you know, might be a very good, you know, value added service for the DNS.

But if you are giving the entire data set including the invalid domains that do not exist, then that might be an issue. I am not, you know, taking a position. I am just, you know, kind of letting you know what some of the issues are.

Jeff Neuman: Yes. I am just - I am not sure I see that as related to registration abuse. But that is my own opinion I guess.

George Kirikos: Like if the abuse in the views of some people might be that, you know, they wanted that domain and, you know, you took it from them. You know, people get accused of this all the time, you know. You have got a good domain and I want it. That is abuse.

Jeff Neuman: To me - so I understand that there is definitely a difference between someone searching for a domain through a WHOIS lookup or other ways, but I see a big difference between that and just ordinary traffic data.

And as I see checking the avail - well never mind. I just - I do not see that as kind of a registration abuse argument.

Greg Aaron: Anything else Jeff and George?

George Kirikos: Oh no. I have said my piece.

Greg Aaron: Okay. I see James' hand raised.

James Bladel: Yes just real quickly and I think this is touching on the scene that George and Jeff are discussing is the - in a first come first serve environment are efforts for folks to gain advantage or even gain those processes considered abuse. I think that is just - that is the question on the table. Am I stating that correctly guys or...?

George Kirikos: Yes. I think - George here. I agree with you. I guess the question is where do you draw the line on how to achieve superior information. Some players, you know, have a position of trust and others - or not a positive of trust but a superior ability to access certain data just because of their position, and that position might be due to an ICANN contract.

And so that is something that you want to create a policy on

James Bladel: Yes but we are certainly not discussing different types of innovative ways for example to be more efficient or more predictive or - I am having difficulty thinking up a concrete example of what I am describing. But, you know, in a first come first serve environment, folks are going to naturally want to do everything they can to gain an advantage. And some of that might be (front forward) and some of it may not.

George Kirikos: Yes. I think part of it might be education on the part of registrants. They need to be a little more paranoid about how they actually determine whether a domain name is available. And I mean that that might be the appropriate course that, you know, they should be like me, like I only do my register - my WHOIS lookups at the registry level. I do not trust any other registration.

And if the domain name is, you know, available, I will grab it immediately. I might be certain - take two weeks to decide.

James Bladel: Sure. And for example, if you go to, you know, GoDaddy for a site and type in kind of a strange thing for a domain search, I think it kicks you over to an FSL secured site, just to prevent that request from being intercepted or eavesdropped by any sort of intermediary.

So I think that, you know, do registrants notice that we do that? I do not know.

Greg Aaron: So it sounds like you are touching upon the trust relationship that may exist between parties. Do people expect - in other words, do people expect that the information they put into a service or something is going to get used in a certain way.

George Kirikos: Oh that is exactly it. Like the trust relationship could be, you know, not even involving registrars. It could be, you know, a friend of mine calls me up and asks whether a domain name is available. And I see it is available and I grab it, you know, that trust relationship between my friend and me could be violated.

And they would consider that front running because I have the superior knowledge and took advantage of it. I do lot of creative policy on that. That might be a fuse that is removed from what we can do.

Greg Aaron: Okay. Anyone else? No?

Rod Rasmussen: Greg? This is Rod. Sorry I am on the road at this point so I cannot raise my hand. The - there is a couple of trust relationships here as well that are kind of interesting in this respect in that you have ISPs involved, looking at DNS traffic and (court raze) and things like that now. That could be involved in this.

And you actually get an interesting (pass over) with the Botnet issue because Botnets are looking for domain names that are not necessarily registered. So you get lots of traffic looking for that in various flavors.

So you are starting to - once again beyond the kind of the I guess the classical definition of front running if you will where you had a look up at a registrar for availability. You get into lots of different kinds of interesting discussions about who has data about what you are trying to do and may take advantage of it.

Greg Aaron: Okay. So it sounds like it is a little - it is fairly complicated. Among others, James and Rod and George have mentioned a number of parties who could potentially be involved - registrars, registries, someone managing Spyware or Malware, ISPs etcetera.

Would someone like to take the lead on this issue? Yes, and it is something that, you know, we want to explore as an abuse topic? James?

James Bladel: Yes. You thought I was volunteering didn't you? I - but I actually have a question Greg. Sorry.

Should we first perhaps define the harm of this. And I understand there is things like competitive aspects, there is a potential violation of explicit trust of the trusted party. But, you know, I think maybe getting a, you know, I cannot scroll up but I see that that one column I think that is who is harming and whether that be registrants or consumers or - if we could help put some

structure around this particular type of abuse then perhaps we could work better to define a little bit different variations.

Greg Aarons: Exactly. So I am asking if there are any volunteers to put some structure around this. Sounds like there is interest in the topic but who wants to step up?

(Buehler), (Buehler). Okay. I am not seeing any hands up. That means there is no interest in the topic or just no one is going to be able to take it on?

Mike Rodenbaugh: I do not know. Do we really need to take it on as a separate topic Greg?
This is Mike.

Greg Aaron: Oh Mike Rodenbaugh. Sorry, we did not know you joined.

Mike Rodenbaugh: I have been on for a while. Sorry. I am just curious. I mean do we need to break it out as a separate group as a separate topic or is this something we can put in the report and work from there? Is there sort of a summary of what we have talked about today and just leave it at that for now.

Greg Aaron: No. What we need to do is we do need to write - if we are going to put it in the report we need somebody to write some material, so whether that is an individual or a group whatever. But we need a volunteer to do it.

We need somebody to write something down at least to give the rest of the group something to react to.

Mike Rodenbaugh: Well I think, I mean you started that. And we have talked about it on the call today. I think perhaps someone from staff could put a summary together, couple of paragraphs.

Greg Aaron: I - my preference is to not have staff write sections of the report. I think that is up to the working group members.

Mike Rodenbaugh: Well I...

((Crosstalk))

Greg Aaron: That is my first preference.

Mike Rodenbaugh: Okay. Well I disagree with that. I mean and it is going to take us a lot longer to write a report if you are expecting a bunch of different people to write different sections.

Greg Aaron: Well one of the sections has to be recommendations if any. Staff should not be writing that section.

Mike Rodenbaugh: I would agree with that unless we give them specific direction on a call, you know, this is what we want in the section, please do a first draft. I think that is perfectly acceptable.

Greg Aaron: Okay. All right. So I am not hearing - I am not hearing anybody volunteer. I am going to throw this one up to the list since we have some members who are not with us today. So I am going to ask for volunteers on the list.

See if anybody takes a bite. Okay. All right. We are at about 21 past so we have just a few more minutes on the call.

George Kirikos: George here. I looked at my schedule. I (think) I can do it.

Greg Aaron: You want to take it George?

George Kirikos: Yes. I do not think it will be too hard. I think we just take the transcript of today's meeting and add a few points to it. I am not going, you know, take a recommendation, but I think we can at least settle what the things are.

Greg Aaron: Okay. Thank you George.

George Kirikos: No problem.

Greg Aaron: Okay. So last topic before we close is scheduling. We have two items to talk about. One is the next few calls. We have a call two weeks from today which is the 17th. And then we have a call on the 31st, the last day of August.

I may not make that call by the way. I will be on vacation. Does everybody want to schedule both of those meetings or are there going - are there any schedule conflicts that anyone has that are, you know, really of concern to you?

Man: Well what are the dates again Greg?

Greg Aaron: Two weeks from today, the 17th and then two weeks after that which would be April - I am sorry August 31st.

And then, by the way, the next Monday, September 7th, is Labor Day in the U.S. We would have a third meeting. The next meeting would be September 14th, Monday.

So those would be our next meetings unless there are some significant conflicts of schedule. So I am not hearing any particular schedule problems, so go ahead and stick to the regular schedule.

The other question is a general question which is we have to occasionally give the council an update as to our progress. We should - we have to think a little bit about our goals that we are going to shoot for for issuing an initial report.

Now that is always a tricky thing because we have not worked our way through our entire list of issues yet. And then we also have to write material and we have to finalize it, which is also a process.

The next ICANN meeting is October 25th through 30th in Seoul, South Korea. And then the next meeting after that by the way is March 7th through 12th, 2010 in Nairobi, Kenya.

Now does anyone feel it is reasonable to shoot for an initial report to be delivered by late October?

Man: It would be an admirable goal.

Greg Aaron: Is it realistic?

Man: I think we could at least have a draft of all of the different types of (harms). That certainly is realistic.

Greg Aarons: So you are saying a list of the abuse topics that we are delving into?

Man: Yes. I do not think - I do not think it is realistic to think that we will be done with the recommendations and all - with any recommendations and further research efforts by then.

Greg Aaron: Yes. James?

James Bladel: Just real quickly. If we have an initial report like that, does it go out for comment and are we following the same sort of roadmap as a traditional or formal PDP or - what is the - what comes after the initial report?

Greg Aaron: At our initial meetings, we did decide that we would follow the standard working group progression, which means we would issue an initial report. It gets sent to council and then there would be a public comment period.

James Bladel: But that is...

((Crosstalk))

James Bladel: ...I mean we do not have to follow that process with an - is an initial report if, you know, if it is just a partial report, we just want to get something for example the council to talk about and perhaps something for the community to look at, you know, it does not have to be put out for an official public comment period. It can just be sent around to the constituencies.

Greg Aaron: Well...

James Bladel: What I am trying to say is it is up to us. We have a lot of flexibility. This is not a formal PDP taskforce under the bylaws. So we have a lot of flexibility.

Greg Aaron: That would be a reversal of what we decided in our first couple of meetings.

James Bladel: Okay. Well I am not cert - I am not necessarily trying to reverse anything, I am just, you know, we have to be flexible though.

I think it would be valuable to have something in writing by the Seoul meeting given that we have been - what are we - when did we start this group? It seems like two or three months ago now.

It will be six seven months, you know, it would be about time we put something on paper before that meeting.

Greg Aaron: George?

George Kirikos: Well I think it does not hurt to get the input from the public in addition to the constituencies because not everybody that is interested in this topic is

involved in constituencies, like I think even some members in this workgroup.
So the broader the distribution the better.

James Bladel: That is fine. You know, I do not - it doesn't matter to me how broadly it goes. I just think we should have something to go.

Greg Aaron: Other comments please?

Okay. Hearing none, I am also going to put this topic on the agenda for the next meeting - going to want to pick up additional members. We have heard from James, Mike and George thus far.

Okay. All right. It is according to my clock half past the hour so it is our time to close. Thanks again to everybody. We have knocked off an additional topic today.

Thank you George for putting some material together for the front running topic, and we will continue discussion on the list and we will have our regularly scheduled meeting two weeks from today.

Does anyone have any last thoughts before we sign off?

Nope. Okay.

Well again thanks everyone and we will talk to you next time.

Man: Thanks Greg.

Greg Aaron: Thank you (Roland) take care.

Man: Thanks Greg.

Man: Thanks Greg. Good work.

END