

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team teleconference
22 September at 18:30 UTC

Note: The following is the output of transcribing from an audio recording of the Post Expiration Domain Name Recovery (PEDNR) drafting team teleconference on 22 September 2009 . 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-pednr-20090922.mp3>

On page:

<http://gnso.icann.org/calendar/index.html#sep>

Present:

Alan Greenberg - ALAC
James Bladel - RC
Tatyana Khramtsova - RC
Cheryl Langdon-Orr - ALAC Chair
Jeff Eckhaus - RC
Michael Palage - CBUC
Ted Suzuki – IPC (adbobe connect only)
Alaine Doolan – IPC (joined after roll call)
Paul Diaz - RC
Sergey Gorbunov
Berry Cobb - CBUC
Shiva Muthusamy – At-Large
Phil Corwin – CBUC (joined after roll call)
Ron Wickersham – NCUC
Mason Cole - RC
Mike O'Connor - CBUC
Michele Neylon - RC
Michael Young - Registries

Staff:

Marika Konings
Margie Milam
William McKelligot – ICANN Staff Compliance
Gisella Gruber-White
Glen de Saint Gery

Absent apologies:

Karim Attoumani - GAC
Tim Ruiz - RC

Coordinator: Excuse me, this is the conference coordinator. I would like to remind you this conference is being recorded. If you have any objections, you may disconnect at this time.

If you need assistance during the call, please press star 0. You may begin.

Alan Greenberg: Thank you. I just heard an awful lot of noise when the operator was speaking. Is it happening while I'm talking too?

Woman: Yes.

Marika Konings: Yes. I'm getting them to look into this, Alan. Sorry.

Alan Greenberg: Thank you very much.

Gisella Gruber-White: Would you like me to take role call?

Alan Greenberg: Yes, please.

Gisella Gruber-White: Good morning, good afternoon everyone. On today's call on Tuesday, the 22nd of September, we have Alan Greenberg, Michele Neylon, Mikey O'Conner, Berry Cobb, James Bladel, Jeffrey Eckhaus, Siva Muthuswamy, Paul Diaz, Michael Palage, Sergey Gorbunov.

((Crosstalk))

Gisella Gruber-White: Cheryl Landgon-Orr, Ron Wickersham, William McKelligott Mason Cole. From staff, we have Marika Konings, Glen DeSaintgery, Margie Milam, and Michael Young has just joined the call as well. Apologies, we have Ted Suzuki.

And if I can please remind everyone to state their names before speaking this is for transcript and for recording purposes. Thank you.

Alan Greenberg: Thank you, Gisella. Are there any comments on the agenda before we start?
No hands. No comments.

All right. I was asked to note that as of a few minutes from now, we have all Statements of Interests for participants in this meeting. So we are okay to go on that.

The practice has been that if people don't submit Statements of Interests that they be removed mailing list. But that does not look like we have to worry about the - that process at the moment.

The first item on the agenda is to finalize the Registrar Survey. We spent an inordinate number of weeks on this. I believe the version that Marika sent out pretty well maps to what we agreed to last week.

Has everyone had a chance to briefly look at it and short - instead of going through it item-by-item again, I will ask if there's any items that you believe are incorrect or must be addressed right now. I'll point out that we will have ability of changing this as we go along. But we need to have closure on an initial set of questions so the staff can start working at collecting the answers.

Marika Konings: Alan, (Ron) had his hand up and I...

((Crosstalk))

Alan Greenberg: Yes. I see that. Thank you.

Marika Konings: Okay.

Alan Greenberg: (Ron)?

Ron Wickersham: Yes. Yes, this is (Ron Bichershun) speaking. Yes. This is the first time I've been associated with a working group. So if anyone - if I've done the Statement of Interest incomplete or wrong, if somebody would give me some feedback on that, I can change it.

And then secondly, I agree with the work has been done and the current state of the questions. So my support for that pretty much as it's fair.

Alan Greenberg: Okay. Any other comments, both positive or negative, from anyone? The absence of some, I will assume that we can allow staff to start the actual work on collecting some information. Cheryl...

Marika Konings: This is Marika.

Alan Greenberg: Oh, I'm sorry. That's a question. That's a tick mark. Okay?

Marika Konings: I didn't have time to raise my hand yet because I probably will be reaching out to some of you who are in this working group of course those that are a part of registrars, I will be targeting for the survey.

So hopefully you'll be able to help me to either locate the information or at least identify a person that I might be able to speak to, to provide some of the information that we're looking for. So I hope you'll be able to be of assistance in that effort.

Alan Greenberg: Marika, you may also want to talk to some of the people on this call or not as part of the registrar constituency to identify other registrars who may not be participating in this call that might be good candidates to talk to.

Marika Konings: Yes. And I will definitely talk about this with our registrar liaisons who, you know, will have more regular contact with some of the registrars that we'll be looking at. So hopefully you'll be able to identify those people that will be able to help finding the answers if it's not publicly available yet.

Alan Greenberg: Okay, thank you.

Jeffrey Eckhaus: Got a hand up, Alan.

Alan Greenberg: Yes, sir, Jeff.

Jeffrey Eckhaus: Okay. That was actually my question. Marika answered part of it. What is, I guess, the timelines and expectations, I guess, that this group has on the survey and just so - you know, because it wouldn't be a bad - I mean, we could start giving some advance notice to the constituency to explain it and, you know, maybe set up some time with Marika.

I'm just curious what's - I don't know, Alan, if you've set this up in advance, what do you see as the timelines for this for, you know, sending it out, responses, that sort of - if that's even thought out yet. I'm not sure.

Alan Greenberg: We did have a conversation on that a few weeks ago. And I'm going to misquote the actual numbers we used. But I'm sure Marika or somebody will correct me. But we did say if we limit the number of initial registrars surveyed to something in the order of certainly not more than 20 and perhaps 10, then we are talking about a few weeks to do this work, not months.

So we are talking about well before Seoul, and hopefully by the middle of October or so. That's my recollection, but I may be - it may be wishful thinking and that's not what we said. Marika, do you have any better memory than I do?

Marika Konings: Yes. I think that's what we discussed, to start off with a top ten registrars. And I do have to say that when we initially started the survey, I think the cautions were, you know, the information's more easily traceable on Web sites. But now some of the questions, you know, I think - several of them, I definitely know, you know, that information is not available.

So I think we'll take a little bit more time because I will be required to reach out to several of the registrars to try to find or identify that information. So it's difficult at this point how quickly it will go.

I guess it depends a bit as well on the feedback and, you know, how much time people have to provide the information and fill out the survey.

Alan Greenberg: I guess I would make an editorial comment that if information is difficult to find on the Web site and the registrar contacts don't know the answer, that alone gives us information. And I wouldn't want to hold up all of the results because some of the things are in that category. We may well be asking questions which no one knows the answers to. And that's enlightening in its own right. Mason?

Mason Cole: Yes. Just a question. Marika, I saw on the wiki the link to the current version of the survey. I assume you'll put a clean version up there when it's finally finalized.

Marika Konings: Yes. (If there are no further) comments following the call. I don't know if people need - you know, we only put it up, I think, today. So what would be reasonable for people to read through it and sign off on it. Till Friday, would that be reasonable?

Mason Cole: This coming Friday?

Marika Konings: Yes.

Mason Cole: Yes. I mean, assuming we get through it today. I mean, my point of view is that, that should be enough time. Yes.

((Crosstalk))

Alan Greenberg: Well, at this point, if no one has specific comments, we are through with it. The intent was not to go through it again item-by-item.

Marika Konings: The only question that I would have because there's still this possible subquestion under Question 2. And I don't know if that's something that you want to discuss on the mailing list or for people to comment because now it's sort of possible subquestion. So the question is, do we leave that in or does that go out?

Alan Greenberg: Well, my preference is to leave it in because we are not asking for information. We're asking how does the registrar view a cancellation. And it is really, we follow - the answer is we follow the same procedure as if it had be expired or we do something different. And we're not asking what it is they do different. So I don't see a lot of harm in asking that question. But perhaps other people see it differently.

Jeffrey Eckhaus: It's Jeff here. I don't - I think the question's fine. I think you're basically saying, "Hey, if a customer asks you to do something specific, do you follow their instructions?" Or, you know, to delete it immediately or not. I mean, that question's fine. I don't mind that question at all.

Alan Greenberg: Okay. Any other thoughts?

((Crosstalk))

Marika Konings: This is Marika. So what I'll do, I'll clean up this version and post it again to the mailing list probably tomorrow morning. And then everyone can send in their comment/suggestions, preferably on the mailing list so everyone can see what changes it or adds you're proposing, with the aim of having a final version by close of business on Friday so we can get started on this on Monday. Would that be acceptable for everyone?

Alan Greenberg: Sounds good to me.

Jeffrey Eckhaus: Alan, it's Jeff. (I just raised)...

((Crosstalk))

Alan Greenberg: Yes, sorry.

Jeffrey Eckhaus: I think I raised my hand.

Alan Greenberg: I'm flipping between screens and I hadn't seen you. Go ahead.

Jeffrey Eckhaus: (Yes, I'm not sure). I just had one point. I know - I don't know - just one - you know, I've reread these a few times. And there was just one question that I think would really help with some clarification if we change this.

I know we've gone through this. But it's the one where it says - the question - I think the bullet points kind of screwed me up. But it says, "Based upon the changes made by the registrar upon expiration, what happens if email is sent by a third party to the email address that uses the expired domain name?"

I - because I've been on these calls, and, you know, I fully understand it. I know we've discussed a certain third party, but maybe if we say - I don't know if you want to say - because I know what we're trying to say is like, "Hey, if I get an email from Merrill Lynch and it goes to -" that's the question we're asking, right, that goes to that address...

Alan Greenberg: Yes.

Jeffrey Eckhaus: ...outside of the registrar/ reseller grouping?

Alan Greenberg: That's correct.

Jeffrey Eckhaus: Right. So, you know, I think - I don't know if there's a way to clarify that because I know we've talked about at length.

I just want to make it clear so that when we send it to the other registrar that haven't been involved in this call or maybe, you know, to somebody else say, you know, I might not be the person answering every single one individually. It might be some of my staff.

If there's any way to just give it an example or to clarify that. That was the only one I thought that was somewhat confusing and could be...

Alan Greenberg: (Okay, okay).

Jeffrey Eckhaus: So I don't know. Maybe I'm the only person. I'm not sure. But that was just my one little input for today.

Alan Greenberg: Yes. The term "third party" was added at our last meeting -- I think Tim suggested it, but it may have been somebody else -- to try to clarify it. So obviously it was not the ultimate clarification. If someone can suggest some wording or an example that will make it clearer, I'm - I have no problem putting it in. I'll try to think of one also.

Clearly we're talking about if someone other than the registrar, reseller and registrant sends emails to an address which has the domain name in question after the "at" sign, what happens?

Now can we state that in clear language? I'm not sure it can be clearer than that. But that is the intent of the question. And we will try our best to - someone will try their best to try to make it clearer.

Jeffrey Eckhaus: Okay, thanks.

Alan Greenberg: Okay. Anything else? Going, going, gone. Done.

Woman: Woo hoo.

Man: "Woo hoo," is right. That's been a long time.

Alan Greenberg: See, if we get rid of this consensus business and simply go for kings or queens, these things would be an awful lot quicker.

Woman: Now, Alan, you and I (unintelligible).

Alan Greenberg: Okay. The next question, and unfortunately, this is not one for which we have a structured way of attacking, is what do we plan for the workshop in Seoul?

As I had mentioned earlier, some of us going into this process hoped that we would have hammered out a tentative agreement well before Seoul and we could report on it there. That could still happen. But it's not at all a certainty at this point.

Seoul is approximately one month away. How many more meetings do we have? Has anyone counted them? One, two, three, maybe four meetings, depending on when you get on your airplanes.

Any suggestions on how we attack this? There's Marika who has her hand up.

Marika Konings: Yes. I first wanted to - because I think that was on my to do list from the last meeting, just to confirm for now the workshop or meeting or whatever it's going to be scheduled for Monday, 26th of October, from 2:00 to 3:30.

And I know we're still in the process of finalizing this schedule or having our first draft out but this is where it is for now. And I expect it to stay there. But, you know, it's not set in stone yet.

Alan Greenberg: So that means we need to come into the meeting knowing what we're doing because we don't have the luxury of a week in Seoul to do it before then.

Marika Konings: Yes. And another reason why this is on the agenda now is that, of course, we've all be asked to provide information that is going to be posted on the Web site as what this meeting is about so the community can inform themselves as well and decide which meetings they would like to attend or not. So - and we've been all requested to provide that information as soon as possible. So...

Alan Greenberg: That's the deadline of the end of the month, if I remember correctly.

Marika Konings: I think so.

Alan Greenberg: Yes. (Ron)?

Ron Wickersham: Yes. Just a question. Is the - I mean, I presume that we're not expected to buy a ticket and show up there, right? But is this also a telephone meeting at Seoul or...

Alan Greenberg: I'm...

Marika Konings: There will be both facilities available for those that want to participate either by phone line or Adobe Connect.

Ron Wickersham: Okay, thank you.

Alan Greenberg: Okay. Marika, so you're saying for the - this particular workshop, that has been requested?

Marika Konings: Yes, it has.

Alan Greenberg: Okay, thank you. Mason?

Mason Cole: I don't want to get ahead of ourselves here. But I just wanted to ask what is the hopes for outcome for the Seoul session. I mean, are we just looking for additional community feedback or is it to report what we've done so far or what - how is the meeting going to be oriented?

Alan Greenberg: Well, I think that's what we're talking about right now. So your input is welcome.

I think it's going to be a combination of the two of them in terms of reporting back. What we will have by then, I'm not sure.

We clearly have comments on the public - the summary of the public comments that we've now received and need to look at. And we can certainly summarize that. We will - should be able to summarize in some - at some level the results of the registrar survey.

Mason Cole: Okay. All right, thanks.

Alan Greenberg: And we may actually have come to some substantive agreement on some of the issues along the way.

That being said, if we have not come to closure on most everything, then I think we're going to be looking for more public feedback and input. Understanding that what I just said has no real substance to it, other than it's an outline. I think that's what our target is at the moment. Mike?

Michael Palage: Yes. Mike Palage. Marika, is it possible, do you know what other things we might be competing against on Monday afternoon? You know, if there's going to be a session on new gTLDs, that will probably suck up most of the air and potential participants. So...

Alan Greenberg: And many of us.

Michael Palage: I just wondered - yes, there's only - many of the people participating that will be in person, you know, obviously, you know, have other responsibilities. So do you know what we may be competing against at this time in the current draft schedule?

Marika Konings: For the moment, the only thing that's there is the IDNC (cc)TLD Fast Track Workshop and the CCNSO (Tack a day). So we're (conscious enough) not to schedule against new gTLDs because, you know, obvious conflict. But we thought that, that might - it might work. I mean, it's almost impossible to find any slot that doesn't have any conflict.

Michael Palage: Oh, no. I - Marika, I totally appreciate that challenge. And as I said, I think that is a good enough distinction that, you know, we'll minimize overlap. So thanks for staff for taking that into consideration in the planning. Much appreciated.

Alan Greenberg: I was working on the assumption that staff were well aware that in the - at the very least between registrars and at large, there should not be any strong conflicts with it. So I hope that rules out new gTLDs.

Marika Konings: Yes. Unless there's (someone that) changes that section by themselves, then we don't have a conflict. But, you know, we make sure as well to try not to have it with any major meetings that we know many members of the working group have an interest in. So, you know, unless any big changes in the schedule, there shouldn't be a major conflict.

Alan Greenberg: Thank you, Marika. Cheryl?

Cheryl Langdon-Orr: Yes. It's really just information for Marika and heads up for the rest of us. In the ACSO chairs' list, I've been advised and I'm happy to share with you that the GAAC depending on the outcome of their meeting, which will be on the 1st of October, may or may not be looking into scheduling a meeting

looking at malicious abuse in new gTLDs (unintelligible) specifically from a law enforcement perspective. And it would be really good if staff could encourage that not to clash with this.

Alan Greenberg: Indeed.

Marika Konings: Okay. I'm just not sure how much control I have over the...

((Crosstalk))

Cheryl Langdon-Orr: Well -- put it this way -- as chair of the (annex), I will be doing my damndest to encourage it into a different space.

Alan Greenberg: As interim chair of this meeting, I'm not sure which I'd go to if that clash happens. So take that as under advisement.

Marika Konings: If that clash occurs or if they would decide to schedule it exactly the same time, we obviously would need to look for a different time. So again, I mean, you know, it depends on...

((Crosstalk))

Cheryl Langdon-Orr: Yes. We need a heads up on that because if that happens, heaven only knows what that's going to do to us all.

Alan Greenberg: Thank you, Cheryl. Mike and Cheryl still have their hands up.

Cheryl Langdon-Orr: No. I'm busy...

((Crosstalk))

Cheryl Langdon-Orr: ...just delay time it was a lag.

Alan Greenberg: I'm clearing it. Okay. So at this point, Marika, if we come up with some words that go along with what I said before that is essentially a report on the various things that we have done, and some sort of solicitation of new input, exactly what it is will depend on how far we've gotten in the next three to four weeks. Does that give you enough to put together a small agenda item that sounds good?

Marika Konings: I'll do my best.

Alan Greenberg: No, no, yes, I'll - no, I'm sure you will. I was just asking do you need any more specificity than that.

Marika Konings: No, of course, at some point it would be nice if they have a, you know, a specific agenda if we're going to have, you know, some people presenting or, you know, providing an overview to put some names to it.

Alan Greenberg: Okay. But this is...

Marika Konings: Or have specific questions that we want to, you know, ask the community about to already put it there so those that are interested or have information can attend, but...

Alan Greenberg: Okay.

Marika Konings: ...I'm sure we can update that closer to the meeting.

Alan Greenberg: Okay. I am comfortable with where we sit, although we clearly have a bunch of work to do.

The next item on the agenda is a - the public comment summary and analysis. And I will ask Marika or Margie or whoever has been looking at that to try to give us a brief overview.

I looked at it very quickly today and it was far longer than I expected it to be in terms of being a summary. And I'm eager to hear how - what the summary of the summary is.

Marika Konings: I did my best to try to, you know, keep as much information in there as possible, also to do justice - or try to do justice to those that have taken the effort of providing public comments and assuming that not everyone might have the time to review all of those comments in detail.

So I'll just quickly run through because I think we probably need to discuss as well a more structured way of how to address these comments and maybe take them in, you know, in with the relevant questions that this group is looking at.

I think as part of what we've doing in some other working groups is - and I think it's something as well that (has been done in the new gTLDs) is basically categorizing the different comments and, you know, trying to demonstrate as well how the working group has considered those and how they will be taken into account in, you know, the final product to make sure as well that people that participated and made the effort of contributing see how their comments impact the process.

Alan Greenberg: Okay.

Marika Konings: So just to get through - I pulled up the summary on the right-hand screen. So the first is just, you know, define the language, the background, what were the questions we're asking.

We received 14 comments from different - from 13 different participants and one person submitted two comments because he forgot something in his initial submission.

So many of them provided answers specifically relating to the different charter questions, so I've grouped all those together under the different headings, and then there were many as well that provided more general comment or raised other issues that weren't that easy to categorize under the specific questions.

So what I could propose that maybe for the next meeting or the meeting after is try to develop some kind of - maybe an Excel sheet that might help the group to, you know, take in those comments and review those in a more structured manner...

Alan Greenberg: Okay.

Marika Konings: ...after everyone has had the chance as well to review the summary that I've prepared.

It might be worth noting as well that one of the comments submitted was the constituency statement of the IPC, so that has been summarized here. But that will come back on the agenda point five as well.

Alan Greenberg: Okay.

Marika Konings: So I don't know how much more in-depth you would like me to go or if people already had a chance to review it and have questions or would like to discuss it now. (I don't know).

Alan Greenberg: Well, any - I have one or two questions, but anything else from the rest of the group first?

Not a thing.

((Crosstalk))

Michele: Well, just a quick one. It's just interesting that some of the things that people have raised in the comments are very similar to things that we've discussed ourselves.

I mean, there's - I didn't notice that. I had - I'll be honest. I haven't had a chance to read the entire thing through because I kind of get distracted by trying to run a business.

But from what I can see, a lot of the stuff that has come up in the comments is stuff that we'd already discussed. So just - I didn't notice any massive curveballs, but I'm sure somebody might've done.

Alan Greenberg: Okay.

Michele: So I'd also echo what Cheryl was saying in the Adobe Connect as well about the - in fact, what was it, Cheryl? Was it like a drop box or something?

Cheryl Langdon-Orr: Yes, we might have a more anonymous sort of a drop-box opportunity during the workshop where people can give us some of the tangible examples as opposed to the hearsay and conjecture that we all keep complaining about.

Alan Greenberg: Jeff?

Jeffrey Eckhaus: Yes, you know, so I agree. I think the drop box is - I like the idea of it. I'm just trying to think in practice, you know, how that would work because, you know, it's - I'd love to hear like the specific examples and the pieces of, you know, I won't say evidence, but what went on. But I'm not sure of like who would manage that and would it become just a, you know, soundboard against people complaining.

I like the idea. I'm just trying to think if it could actually work in practice. I'll just throw that out there. If somebody has a great idea of how that anonymous drop box could work, I'd love to see it put into effect.

Alan Greenberg: Yes, I - before going on with the speaker list, my comment on that is I am very leery of it because certainly any time I've received questions or comments about registration issues, I don't think there's ever been a case where I didn't have to go back and ask seven questions to really understand the issue better before I even looked at what the - what it was going on.

So typically the first description from someone is not particularly useful. And if you can't go back because it's anonymous, I'm not very sure of the merit. I'm willing to try it, but I'm not very optimistic.

Tatyana?

Tatyana Khramtsova: Yes, I think that all comments from the community are very - are the same as we discussed (later), but I found very interesting for me some comments from (people) about UDRP procedure and its (unintelligible) domain names and what to say the (rule with such domain), so some examples.

Alan Greenberg: Okay.

(Mickaylee)?

Michele:

Alan Greenberg: No, what - I think James had his hand up, but it's down now.

Michele: Oh, okay.

Now just the thing with I can - while I appreciate what you're saying about, you know, getting accurate information to be able to, you know, fully

understand what people are saying, I think the flip side to that is that at the moment, there's all of these wonderful rumors and conjecture and, you know, supposedly people are having problems.

If we can get any information, even if it isn't as concrete as we'd like, at least that's better than this kind of she said that he said that there's a problem kind of situation that we have at the moment.

So even if they - even if it's just simply a case of, I don't know, maybe putting - framing it in simple terms, you know, what was the problem in your own words, did you manage to resolve it, I don't know.

I mean, I'm just - at the moment, I think we're just flying a lot - around a lot of - trying to solve a problem that we're not even too sure what the parameters of the problem are.

((Crosstalk))

Alan Greenberg: I think part of our problem is to try to encourage people who we know have anecdotal evidence or stories to actually contribute them in a way that's meaningful to us.

I mean, I certainly know at least a few people who have said yes, you know, I've dealt with a dozen people who have come to me over the years, but none of these people, including myself, have taken the time of trying to document them and summarize them in a way that would be useful. So I think that's part of our challenge that we really have to start buttonholing people.

Anything else on the public comments given that we haven't had a - much of a chance to look at them ourselves?

Jeff?

Jeffrey Eckhaus: Yes (unintelligible) I'm trying to remember to lower my hand as I start talking -
- that there was a few points in the public comments about some of the
registry practices and about the, you know, the expiration dates.

A few people had note - mentioned that. And I'm not sure if anybody - now
that I'm thinking about it, I know we had - I think it was Michael last week
representing the registries.

Is there - I don't know if we'd want to, you know, discuss that or maybe send
some information, ask them why it's done, do all of the registries do that, is,
you know, because it seemed to me from the public comments that that was
a source of confusion.

I don't know if we wanted to think about that or go out, you know, or look into
that or if we even have some registry reps who wanted to address that issue.

Alan Greenberg: Well, I - I'm not sure it's a confusing one. The - at least part of the issue is
that with auto-renew as soon as you - the auto-renew happens, it looks like it
is being renewed.

And someone doing a query of WHOIS will be under the impression that it
hasn't expired anymore. You know, some benevolent person put the money
in and renewed it for them or the credit card they left with it did it all
automatically or things like that.

So I - if - from the - my recollection of the ones that I - of the comments I did
read, that was essentially the issue.

I - maybe someone else has - you know, who has gone through it with more
details has a different perception.

Alan Greenberg: Marika...

Mike: This is Mike.

((Crosstalk))

Alan Greenberg: ...yes, go ahead.

Marika?

Marika Konings: Yes, no, I just (wanted to note) that several people noted the confusion of the WHOIS stated, as well as the expiration date.

And some made some suggestions there whether there could be a different status or that it would have expired and - or renewed or, you know, relevant to the actual status and also a more clear indication of the actual, you know, date of expiration, whether it has been renewed by the registry, so they still need to do something.

I think that IPC made a suggestion to follow a similar format that's being used I think in the UDRP when a certain status is added there.

And I think they were wondering if something similar could be done in addition to maybe providing a link where the - or the registrants can find information on how to renew their domain name.

Alan Greenberg: I mean, clearly right now the - we have a situation where the expiration date is the expiration date from the point of view of the registry and the registrar, but not the registrant.

And maybe we - maybe this group needs to invent yet another way of differentiating them. That sounds like a rather large change to make and I would be reluctant in doing it. But that may be the only way of addressing the problem.

Michele?

Michele: I mean, the confusion thing about the dates, I mean, from our experience, it's the area that causes the most headaches across all gTLDs and ccTLDs. I mean, we deal with the (unintelligible) ccTLDs on a regular - all - we do a lot of business with them.

And the way that they handle expiree is completely (unintelligible) bullets - it goes back to the thing that a - registrants are - aren't completely throughput. They can look up the WHOIS on, who does IS or on a registrar's Web site or maybe on a registry Web site depending on the TLD.

So a lot of the time, they're going to see that the - that what they see is marked in WHOIS is the expiree dates is showing a year later and yet the domain has expired as far as everybody else is concerned. That is a problem.

Now for the - I'm not completely okay with the inner workings of some of these things, but with the (SIC) registries, it's the registry operator controls the (WHOIS of course) not the registrar, as far as I understand things. So, I mean...

((Crosstalk))

Alan Greenberg: Not that part of it. I assume even in a thin registry, the expiration date that the registry believes is correct is still...

((Crosstalk))

Alan Greenberg: ...by the registry.

Michael Palage: This is Michael Palage. That's - I'll go double-check that, but the last time I checked, yes, even a thin registry such as VeriSign still kicks out the creation

date and expiration date and then the primary/secondary DNS, as well as the registrar of record and I think the last updated.

So I think a thin registry does kick out that data. I'll go verify that right now.

Alan Greenberg: Okay. (Ron)?

Ron Wickersham: Yes, I was surprised at the comment that getting the WHOIS should be consistent with the rules is perhaps outside the scope. I was assuming that we would be able to make a recommendation.

I mean, it's - I find it's intolerable to have a period described in the rules that you read when you agree to register a domain name, yet that exact term does not ever appear in the WHOIS record. And I think this is the gist of 99% of...

((Crosstalk))

Alan Greenberg: Which term do you say does not exist? Sorry. I (just need for) clarity.

Ron Wickersham: Which period?

Post - what is it, the grace period, these post-recovery - I forget the exact terms, but when it moves from one category to the other, if that isn't reflected in the WHOIS, then you may be in a period, but you have no notice that you're in any kind of period and there's no way to find out.

Alan Greenberg: That's correct. Yes.

Ron Wickersham: And that seems to be the intolerable thing of the current situation, even amplified when you go to resellers. So it all hinges back to that, the fact that we have terms in the policy that we agree as registrants, we agree that this is

the policy and these periods exist, yet we have no way to determine what period we're in.

In fact, as people pointed out, it appears that we've already renewed and if someone (unintelligible) several domains, I've even had a confusion my part where I don't tend to renew stuff until close to the expiree time. And with several expiring, I may've renewed them last week.

And then all of a sudden they flip over and say oh, yes, it's renewed. Well, you memory says oh, yes, I took care of that and, in fact, you haven't, so this is a great - I think it's within the scope of - or I hope it's in - within the scope of what we're working on.

Alan Greenberg: So you're suggesting that the state of the domain name from the registrant's point of view should be visible in WHOIS?

Ron Wickersham: Agreed. Yes, that's very concise. Thank you.

Alan Greenberg: Just mark that down before I forget it.

Okay, (Mickaylee), your hand's still up or again?

Michele: It's up again.

Alan Greenberg: Go.

Michele: I know some - just with relation to this entire confusion with WHOIS, I know that at least one registrar changes the domain servers over to (name) servers that clearly indicates the domain status.

Now I know - I don't know if other registrars are doing it, but I know this Network Solutions view pending renewal or deletion, I think dot-com. I'm sure Paul would be able to say what it is.

So then that's pretty clear. If you see a domain that's with - that's true Network Solutions on the main server that's says depending renewal/deletion, then you know that the domain is in that kind of status. (Or at least Paul)...

((Crosstalk))

Alan Greenberg: Paul?

Paul Diaz: Yes (unintelligible) Alan this is Paul. Just to follow on, that is true, we do that, but that's not necessarily at the actual moment of expiration. That change occurs a couple of days after, so we still - customers can have that same confusing status on say the expiration date out to a couple days post-expiration before it's changed over and made (with a) good messaging.

Michel: Sorry, it's (Mickaylee) again.

Paul, just to clarify, what happens when the domain expires before the namee:servers change over to the pending renewal/deletion ones? What's...

Michele: ...is it resolving to the original place or is going nowhere? Or what's happening?

Paul Diaz: It resolves to the original place.

Michele: So as far as the users' concerned, it still works?

Paul Diaz: In fact it does.

Michele: Okay. Thanks.

Alan Greenberg: If you - if anyone had a chance to look at the note I sent out late last night on some extracts from a particular registration agreement, you will see - and I don' claim that is typical, but it's one that I had ready access to.

They essentially say they may change the pointer to point somewhere else. They may - it may go into a black hole. It may continue to point to where it was before.

And it's solely at the - at their discretion and they make no commitments about where it - what actually happens during that process. And I think certainly is a situation that happens a lot of the time that there is no predictability.

Now for the largest and most eminent registrars, I'm sure that their processes are far more transparent. But that's not the case in general.

I think we've started to drift back into the general discussion and not the particular comments anymore.

Is there anything else that people want to address in these comments given that we haven't had a chance to really process them fully, but are there any other issues you want to bring to bear before we go on to the next agenda item?

Marika Konings: This is Marika.

Maybe just to point out there's some comments, including the ones, for example, by (WIPO) and why they raised some new issues that, you know, haven't really come up and the group might want to consider, you know, but they should be added and maybe it's a, you know, it's a question that should be asked the council why do they feel that it does fit somewhere under the categories or whether that maybe should be passed on to maybe some future work in this area.

But I think it's worth looking out for for some elements that, you know, haven't come up yet and don't specifically fit under these five issues, but might be relevant in relation to the post-expiration discussions.

Alan Greenberg: Okay. That's something to keep an eye out for. I don't know to what extent this is reflected in the summary but when looking at the original raw comments I noticed at least, in at least a couple of places there were people who were making statements that, I won't say are wrong but were, had some of the factual things in error or were talking about issues that were not really related to post expiree issues at all and I think somehow along the way we also need to flag those as ones we are not factoring in and note the reason why.

Marika Konings: Yes. I think most of those are really you know, didn't have the facts right, I didn't include them as, in this summary because I tried to include the ones that, you know, were relevant for the discussion so if you still find some here indeed when we go into the details and you're categorizing them and going through them (you know, just point it out) but I did try to do my best to take, you know, not put in those that, you know, had the facts wrong or completely unrelated to the issues we looking at.

Alan Greenberg: Yes. I guess I'm suggesting that we need to identify those and not perhaps summarize them but identify them as ones that were not acted on because of those errors in fact or misdirection.

Marika Konings: And I just would like to encourage everyone to read the comments fully as well, not only rely on the summary, so that if one has all the information of course that was submitted.

Alan Greenberg: (Ron) your hand's up?

Ron Wickersham: Yes. This is perhaps slightly tangential but relates back to you saying many times when you hear something for the drop box idea you need to communicate back with the person and public comments are falling into that exact trap that if the person wasn't actually factual and had all, and (had) things out they may have other information that is germane to what we're doing yet we don't follow-up with that person and I think that's true with ICANN in general so it's a defect of a mechanism but we can't, can we in our own working group follow-up with those, with those public comments without violating the things that public comments close on a certain date.

Alan Greenberg: Marika?

Marika Konings: Yes, no I just wanted to note that although the e-mail addresses are not public we do have a way to retrieve them, so in past working groups we have had occasions where there were certain comments that were very interesting but the group wanted some more details on you know, how certain solutions might work in practice, so we have been able to go back to certain people to ask like, can you maybe explain or provide us with some more information so that option does exist?

Of course, you know, the person that has provided the comment is free not to answer or not to provide any further input but there is an option for the working group to ask for the details if they would like.

Alan Greenberg: Yes, just as we're going to ask for input in Seoul and at other opportunities along the way I don't that anything to preclude us from seeking targeted more information.

Marika Konings: And if I can just add, if I can just add one point of, I did receive an e-mail from someone that was saying you know, I also wanted to submit a comment but I didn't have time can I still do it. I said well the public comment forum has already been archived and you know, a summary final stage but if you forward me your comments I'm happy to share them with the working group.

So at least my view is that even though the public comment period is closed if someone comes forward with really relevant information and would like the working group to take that into account, you know, I personally don't think we should say oh no, no we're not going to share that anymore, you have to wait until the next opportunity arrives.

Michele: So this is...

Alan Greenberg: I certainly support that.

Michele: ...Michele again can we post that on the, at the bottom of the public comments? Is that allowed to be posted there?

Alan Greenberg: I don't know if there's a vehicle to do that regardless of whether it's allowed. We can certainly...

Marika Konings: I think there is, in the public comment forum there is an option to ask for further information so I wouldn't maybe, you know, because then we run the risk that people start posting as well because of sometimes the risk with the public comment forums that people start just posting complaints about you know, any issue they have on their minds if they just see an e-mail address and they see a chance to you know, have their say.

So in the public comment forum there is a link where they can ask for further information. Also I've seen that several people have posted on the Wiki, there's an option to comment on the Wiki and some questions actually have emerged there as well. So you know, that's another way where people can submit information.

We have been talking internally as well (where they) may be a way as well on the Wiki to provide an e-mail address where people can send an e-mail and ask for further questions, you know, to (a staff directed) e-mail address where

we then can see whether it's relevant or not and you know, forward that to the group. So and there are a number of ways people can submit information so (unintelligible) should be sufficient.

Michele: Okay thank you.

Alan Greenberg: Anybody else on the public comments? Okay. The next item on the agenda is an update on constituency statements and I think Marika you're in the hot seat again.

Marika Konings: Yes. This one's to update everyone the deadline for submission of constituency statements was last Friday. So far we've only received two constituency statements, one from the registrar constituency and one from the IBC constituency we submitted as part of the public comment forum.

So my first question would be any of those of you that are part of GNSO constituencies can you give us an idea whether your constituency is still working on this, whether you know, we can still expecting some information.

If not, you know, I would raise the question, and I think it's maybe a question that you know, Tim as the liaison might want to bring to the council that it is worrisome that in a policy development process where we do rely to a great extent on input from constituencies, we've only received two constituency statements.

And I think the question we need to be asked like is this, you know, do people need more time or more information or well what is the reason for you know, the (very) limited number that we've received this time around.

Alan Greenberg: I would hazard a guess that it's overwhelmed by too many other things with deadlines, but that's only my guess. I will say on the point of view of (at large) we did not, although we're not a GNSO constituency, we are invited to submit documents and we explicitly didn't because we felt our -- the request for the

issues report was essentially our constituency statement to start off with. We believe there is a problem and it needs to be addressed. Mike?

Mikey O'Connor: This is Mikey. I think we've had a little process break down in the business constituency so if we could get a "dog ate the homework" extension I think we could probably come up with a constituency (plan).

Alan Greenberg: I'm sure one of us has a dog that will fit that category.

Mikey O'Connor: Yes. I don't have a dog but surely on this working group there's one that could fill the bill.

Michael Young: Yes. Mikey it's Michael Young from the (RYC). I don't you have to worry too much because we're in the same boat, so we have to beg the same forgiveness.

Mikey O'Connor: Okay. So maybe Marika at least a couple of us could get a "dog ate the homework" extension for a week or two and we could com up with (unintelligible).

Michael Young: I have a dog that will bury the homework.

Ron Wickersham: Yes this is (Ron Bichershun) and Mike the (NCUC) informed me two days after I -- it was like this is my first working with group and I didn't realize that they thought that I would do a draft of what they would send in and two days before it was due they said could I do that and I had volunteered to do another thing with them that was -- took up all the time. So if we can get an extension and...

Mikey O'Connor: I think the homework eating dogs are running rampant. They've eaten homework all across the globe.

Marika Konings: So how much more time do people need because I think it probably is helpful to put a deadline on it and you know, give the dog a rest.

Mikey O'Connor: Hey Palage, do you think we could do it in two weeks?

Michael Palage: I think two weeks would be plenty of time -- ten days, two weeks would be okay.

Marika Konings: Okay. So we'll put it back on the agenda again then in two weeks and then hopefully we can take it off if everyone has submitted the constituency statement.

Mikey O'Connor: Okay. Thanks a lot.

Alan Greenberg: I think one of, Marika one of us should send something to the council list for -- reminding them that these haven't arrived and giving the new extend to the new deadline.

Marika Konings: I'll send a note to Tim because I think he's due to provide an update to the council anyway on the, the status of the group and the progress made so I'll drop him a line to see if he can add that.

Alan Greenberg: I think there's a GNSO meeting on Thursday, which means his report was due last week but yes.

Marika Konings: I haven't seen it in yet so.

Alan Greenberg: We're, I'm sorry where are we? I was trying to (unintelligible) decipher the comment that Cheryl just made on the list - on the Adobe chat room. I think she was talking about her dogs though.

Cheryl Langdon-Orr: Maybe.

Alan Greenberg: Marika go ahead.

Marika Konings: Yes another question for the working group would of course be how to go about reviewing the different constituency statements and, or maybe it's an appropriate question, not an appropriate question where we have all the statements but it's something to think about in the meantime.

Alan Greenberg: Yes. I think it's a similar task that we have with regard to the public comments. I'm not going to try to decipher (Mickaylee)'s comment either. I think some of us are breaking down here.

Man: I think (mofo) is the term of art we should work into this report so.

Man: (Unintelligible).

Alan Greenberg: Okay.

Cheryl Langdon-Orr: Thank you all so much for making me smile. Oh dear.

Alan Greenberg: Cheryl just to the point of information, the first meeting that we started this morning, my morning started at midnight your time and that was...

Cheryl Langdon-Orr: True.

Alan Greenberg: ...what was about six hours ago. I gather you're giving up sleeping tonight.

Cheryl Langdon-Orr: Correct.

Alan Greenberg: Okay. Now we understand why she's giddy.

Man: Cheryl do you ever sleep?

Alan Greenberg: Not if ICANN work has to be done.

Cheryl Langdon-Orr: On to the next agenda item.

Alan Greenberg: Okay. So constituency statements we have, we have added a two-week extension roughly from today and we will note that at the next GNSO meeting or it will be reported. And then Marika if time permits and we, we still do have time if anyone has the stamina to just go back to charter questions and start talking about the substantive issues again.

And the first charter question is whether adequate opportunity exists for registrants to redeem their expired domain names. Now Marika as the one who phrased these questions can you define opportunity as opposed to notice and such?

Marika Konings: I'm not sure I can.

Alan Greenberg: How do you recognize adequate opportunity?

Marika Konings: I think that's part of the definition this group probably needs to work out, what is adequate opportunity as understand most registrars do offer opportunity to renew domain engine auto renewal grace periods or an RGP, it's not a consensus policy or it's not an obligation so is (that an adequate) opportunity or not? I think those are some of the questions the group will need to consider in this context.

Alan Greenberg: Well let's consider the example that I sent out last night of a registrar or a reseller who basically says that they have the right to any time after expiration to assign it to someone else so depending on their, essentially their whim although presumably they have some rationale behind it but not announced in the, in their registration agreement, there may or may not be an opportunity after expiration to do anything with it. Does this group consider that adequate? James?

James Bladel: Yes. And I'd just like to put on the table more questions really, I don't have answers to that, but the question of whether or not offering an auto renew toggle through the control panel is a, over that service is an adequate opportunity to renew because the case could be made besides giving a registrant a year opportunity to renew. So that's just one thought is whether or not that control in and of itself is an adequate opportunity.

Man: Well let me ask a question of the group because we're starting to come down to, you know, discussion of options that a registrar may offer and we've talked about examples of what GoDaddy does. To what extent do we deem that if some registrars offer ample opportunity then the answer to question number 1 is yes?

Do we feel that we must, that, does this group feel that to be able to answer yes with assurance that is any registrant has ample opportunity that all registrants must do it or if they're careful enough they can pick a registrar who gives them ample opportunity and therefore that's sufficient?

Cheryl Langdon-Orr: There's a whole bunch of (unintelligible).

Alan Greenberg: We have many answer, many questions or many hands up in any case (Mickaylee).

Michele: Just going back to what James was saying before, sorry but I had my hand up...

Alan Greenberg: That's fine. Sorry.

Michele: Just would be, with regard to the auto renew option within a control panel, which is still pertinent to what you're asking about, the only problem with that is that if the auto renew option is enabled but the credit card data isn't up to date and it will fail miserably.

And as, and following on from that one of the problems that we've seen is that registrants will quite happily admit to receiving the e-mails from us, plus will ignore them, even though the e-mail will tell them clearly that you know, that their credit card is expired or that, the I don't know, any number of different things are happening with the domain.

So while the offer a new option might be a good thing it's not, you know, you have to add in something there about as long as the registrants you know, payment options are kept up to date or something. Sorry, if you just rely on the offer a new thing by itself no payment it's not going to work.

James Bladel: Okay. Alan this is James if I could just respond...

Alan Greenberg: Yes please.

James Bladel: ...quickly to (Mickaylee). And I agree with you (Mickaylee), it's not a guaranty that the auto renew will be successful but does it not offer an opportunity to, for the registrant to express intent on, as to whether or not they intend to renew, even though it may not ultimately be a successful transaction?

Alan Greenberg: I'll answer the question. I'll answer the question in a negative sort of way. If a registrant indicates that they want to auto renew but the credit card happens to bounce an honorable registrar shouldn't immediately say clearly they don't want their domain, let's sell it to someone else. They have indicated an intention of paying albeit without the right credit card information. So I think that puts the registrar in a weaker position of saying I'm going to dispose of it through some other way. In terms of a moral decision.

James Bladel: Absolutely Alan, I'm just, I'm actually putting the question out there that the auto renew control in and of itself is a means to capture the intentions or the desires of the registrant for the domain to renew.

Alan Greenberg: Right. And...

Ron Wickersham: Yes. This is...

Alan Greenberg: Cheryl just added the note that it can be all sorts of reasons why credit cards don't work. Let's stick to the speaker list for the moment. Sorry who was that last speaking, I've lost track now? Is that (Ron)?

Ron Wickersham: Well I, yes I was just going to comment that not, it doesn't seem to me that because I choose not to auto renew means that I have any less intention of renewing, I just don't choose to allow them to decide when my credit card is run so -- then with the registrar.

Alan Greenberg: Yes. The, I don't think the statement is reversible.

Ron Wickersham: Yes, okay good.

Alan Greenberg: Not in my mind anyway.

Man: Agreed.

Ron Wickersham: And then to your earlier question, broader question is there opportunity. I think, I would be greatly saddened if we said that because 95% of registrants are with the registrar or who does give adequate ones that we don't have to worry about the individuals who unfortunately are with the ones like your example posted, I would hope that we can state that ICANN's policy should be that all registrants are given adequate opportunity to renew and not have junkie policies that let them change it without notice.

Alan Greenberg: I, and I will announce who I am, I am Alan, and I believe that is why we started this whole process.

Ron Wickersham: Good.

Alan Greenberg: (Mickaylee)?

Michele: Alan just going back to your thing there about if the auto renew fails and (unintelligible) it out to that is that I would, I can't speak for every single registrar, I have no idea what every single registrar on the big planet does, but I can only speak about those that I've either had direct relationships with as a registrant or the one (besides my own).

I mean if we have, if a payment fails our system will automatically inform the registrant that the payment has failed. So the responsibility of the onus is on the registrant to rectify that situation. Say if we were to do something like kind of take, have one failed payment from a registrant and then do something after their domain then yes, okay, that's obviously morally wrong that's all.

Alan Greenberg: Yes. I'll give an example that doesn't refer, doesn't relate to domain names but just happened to me last week and that I maintain an ISP account for dial-in usage when I'm traveling and have no other recourse and I found out the other day it had been suspended because they had a credit card where there had been fraud and the credit card number changed. And although I remembered to change all of the ongoing charges, I didn't remember that one.

((Crosstalk))

Alan Greenberg: And they sent an email notification to the primary email address which long ago was so fluttered with spam and viruses that I sent it into the bit bucket. They have five other email addresses on file, which they didn't use. And, you know, the question is was that acting the best they could have. And in my mind no it wasn't. But they followed their procedures.

Michele: In my mind yes.

Alan Greenberg: I'm sorry.

Michele: I disagree with you. I would disagree with you.

Alan Greenberg: Okay.

Michele: The simple - I mean the reason I disagree with you is that while in theory yes a company may have multiple email addresses and other things on record, a lot of us unfortunately have billing systems that are only capable of sending the automated emails to the email that's the primary email on the account.

Now while it would be fantastic if (unintelligible) worked in other ways. It's very hard on the flip side to it as well is that I can't - like I say I can only speak for our own experience with this, is that we have multiple occasions where people have complained to us because we've sent them reminders about payments and about expirees and everything else.

So the problem we find is that people almost report us for spamming them...

Alan Greenberg: Yes.

Michele: ...if we send them more emails than the absolute minimum.

Alan Greenberg: I think - (Mickaylee) I don't think you can win in this situation.

Michele: Oh no.

Alan Greenberg: You got that right.

Michele: As long as we can agree on that.

Alan Greenberg: Further discussion on the issue of adequate opportunity? I mean I'll put my stake in the ground and you can tear it out and stab it into me or whatever.

I believe adequate opportunity says there has to be a reasonable length of time and it has to be guaranteed and there has to be reasonable expectations that the registrant has noticed it expires.

The example that I sent last night where the contract explicitly says it is up to the registrant to keep all records and if you don't keep records of when it expires, don't expect us to let you know in any way I think is short of the mark. Mason?

Mason Cole: Hold on. Sorry, my mute button isn't working. Can you hear me?

Alan Greenberg: Yes.

Woman: Yes.

Mason Cole: So is there - is there a role that's defined for the registrant in this entire process? That is is the registrant obligated to familiarize himself with terms and conditions and either choose to do business with that registrar or reseller if he finds him not to his liking or go elsewhere?

Michael Palage: Can I - this is Palage. Can I respond to that?

Alan Greenberg: Sure.

((Crosstalk))

Alan Greenberg: I could but I'd like other people to speak too.

Alan Greenberg: Yes. Mike, go ahead.

Michael Palage: I think Mason obviously, you know, competition and choice is good in the marketplace. But what we're talking about here is I think ensuring a certain

minimum safeguard, a, you know, a bottle, a safety net. That's what we're looking for with regard to openness, transparency and predictability.

And, you know, to sit there and say we're going to let somebody, you know, choose a registrar because they provide no safety net, you know, you know, I don't think that's necessarily the responsible thing to do when you look at the broader domain name market particularly in light of a market that may have several hundred if not thousands of new gTLD.

So certain common rules of the road I think are, you know, in the industry's best interest.

Alan Greenberg: Mason, are you up again?

Mason Cole: Yes. I am if I may.

Alan Greenberg: Okay.

Mason Cole: So, you know, Mike I understand where you're coming from. The, you know, if we're - if the purpose of the working group is to address an issue it believes exists already in the marketplace and not necessarily, you know, if you'll pardon the expression, you know, borrowing trouble from future TLDs.

You know, if there is a problem and I know everybody here is on record that I - that I seriously doubt there's a significant enough problem for this amount of energy, you know, then it needs to be - it needs to be identified and dealt with.

I'm not trying to stick my finger in anybody's eye about, you know, playing fast and loose with your terms and conditions. I do think that - I do think that registrars and resellers have an obligation to clearly notify - clearly and conspicuously notify their registrants what to expect with regard to the registration period of a domain name.

And I don't know that even if we do lay down new law in this area somehow that it will prevent what the group perceives maybe happening; whether it is happening or not. I don't know that by mandating certain terms and conditions in registrar agreements, registrar registrant agreements, or certain practices with the treatment of a post expiree name are going to have the outcome that you believe it might.

And that's my concern that this will be sort of a butterfly and wheel situation where there's a lot of activity with no real measurable outcome.

Alan Greenberg: Okay. I've got a comment. Let's go on with the speaker list first. James.

James Bladel: Hi. This is James. And, you know, I have some points of agreement and some points with Mason and some points where I think, you know - you know, for example I'm willing to concede that there might be a problem. I don't know the extent of it but I'm willing to concede that it might scale with the introduction of new gTLDs. So I'm just trying to keep that in mind.

But, you know, I think we're going down a path here where I do have some questions. I think it goes back to your earlier question Alan is how could we say yes to a - to one of these charter questions or how do we say no to one of these charter questions.

So if one registrant at one particular time has a problem, does that - is that an indictment of all registrar practices? To Mike's point about consumer choice, I agree there should be safety nets. But at a certain point if a registrar differentiates itself in the marketplace because it's an innovated some different safety features and protections, at what point do they become - do they cease to be differentiators and become, you know, requirements.

I think that's something that, you know, I think that the folks that you have are just stating in ICANN in general and in this group in particular are probably

concerned about it as the folks who put a lot of thought into how they can make the registrant experience safer, more reliable, more predictable.

And then it just kind of gets into I think a little bit of a larger question of about what role the registrant has. What responsibilities the registrant has to ensure that their names are in tact.

And I think that the concern here is that we're measuring it based on outputs at the end of a sequence when in fact registrant involvement earlier in the sequence at various steps could have resulted in a different output.

Therefore we're indicting the entire sequence when in fact, you know, there's a - there's a temporal aspect to the choices that are made not only by the registrant but - or reflective in the context of the registrar practices but also throughout time.

And I think it just becomes a tricky situation where we want to turn back the clock and give a registrant additional responsibilities or additional choices or additional options at previous points in time.

So I just wanted to get those thoughts out on the table and kind of segue those back to what Mason and Mike Palage were saying.

Alan Greenberg: Okay. Mikey.

Mikey O'Connor: This is Mikey. I agree with a lot of what James says because I always do. No. And it reminds me that, you know, we've got some other working groups that we're working together on where we're looking at the issue of what a floor look like and registration abuses.

Working group we're taking - Berry Cobb's on this call. Berry's been leading a subgroup there looking at consistency of agreements across registrars. Also

sort of chipping away at this same issue, which is, you know, yes there's a debate to be had about whether there should be a floor at all.

And then there's another debate as to how high that bar ought to be especially given James' point that you don't want to have the bar set in such a way that it prevents innovative and aggressive registrars from doing more than the minimum.

So I think that this is a tasty discussion especially with James' last point where if we take a look at any part of the system in isolation, we may be making a mistake. That we may want to take a look at the whole process and figure out a way to solve this problem before it gets way down the 11th hour like James is talking. So chiming in.

Alan Greenberg: Thank you Mikey. I had a couple of thoughts and they aren't necessarily related to each other. The first is before I sent out that note yesterday, my first attempt was to find a random selection of a few registrars or resellers to look at what their agreement said.

So I did a couple of innocent Google searches, turned up a few pages of people who will sell you a domain name. And on the first five I looked at, there was no registration agreement apparent on their Web site.

Maybe one would have shown up after they took my money. I'm not sure. You know, they may have pointed it to me or sent me to it. But certainly there was nothing that I could find prior to putting my money down in terms of identifying what the rules were.

So we're dealing in an environment where in at least some cases the consumer cannot make an informed judgment. Assuming they know what they need to do, it's very, very difficult.

Now, you could say we should reject those registrars and not do business with them or those resellers but that's the environment that the people are finding right now and novices are going and trying to find some place to do business. And right now the environment is far from transparent and clear.

The other thing is we're starting - we're not necessarily - someone mentioned turning the clock back. And in terms of turning the clock back to where the situation on expiration was seven, eight years ago where there was a period of time after EDDP was put in places where it was believed there was a period of time from zero to 45 days where the - you could renew a name with the registrar and then a 30 day redemption grace period added onto that at the end.

And so we're looking at a period, which ranged from 30 to 45 to 75 days and the question is what does this group believe it should be today? Should it be zero? Should it be something higher than that and where do we want to set it? And that's what I - what I look at as when we're talking about the opportunity to redeem a name after expiration.

It's what kind of timeframe do we feel we need to set as the minimum which we may decide is zero. In light of the last time (Paula) see like this was set in ICANN, the expectation was the time delay was somewhere between 30 and 75 days.

(Mickaylee).

James Bladel: Alan, this is - Alan, this is James and what I just (put a clarification).

Alan Greenberg: Yes.

James Bladel: Yes. Just when I was mentioning turning the clock back, it wasn't necessarily through the history or the evolution of this process or this policy because I really haven't been around...

((Crosstalk))

Alan Greenberg: No. No. I understood that. I'm just saying the expression brought this thought to mind.

James Bladel: Okay. And I was just - just for the record...

Alan Greenberg: Yes.

James Bladel: ...I was speaking in the terms of an individual registrant's experience of getting to the end of a process...

Alan Greenberg: Yes.

James Bladel: ...and then wanting to go back through it with different choices.

Alan Greenberg: I certainly didn't misunderstand. It just triggered...

James Bladel: Okay.

Alan Greenberg: ...the thought.

James Bladel: Wanted to make sure I was clear. Thank you.

Alan Greenberg: Yes. (Mickaylee) is the one last man standing right now.

Michele: I would agree with a lot of what James and Mikey said. But the other thing I'd add as well is that, you know, the vast majority of people out there treats domain names like commodities and in a lot of respects they don't really value them until they lose them.

So I mean if you - like earlier today we were (my business partner and I were) approving several registrars Web sites just comparing pricing on various TLDs. And I think you can get - I think you can get a (.info) domain with, oh it's about one Euro if you - if you go out there looking hard enough.

So the thing is, you know, how much value does the person place on the domain name at the time of purchase. I'm not expecting an answer to that but the thing is in some respects, you know, the - we're kind of over thinking some things and at the same time, you know, people do have the choice.

If they don't - like sure, maybe registration agreements aren't clearly visible. I mean what concerns me a lot more is when I see Web sites selling products and services and not just domain names. And there are actually no time to (unintelligible) contact details anywhere.

I mean you can't - you can't find a physical address for a lot of Web sites. I think it was an EU Commission report came out about two weeks ago showing that of the e-commerce Web sites that they checked within the European union, I can't remember what the sample was, but they found something like 40 or 50% of the - of the sites didn't have any tangible contact details. Nothing.

((Crosstalk))

Michele: ...from them. But the thing is this. We're all adults and where we from the registrar community - I can speak - and I'm sure none of my colleagues in the registrar (are going to disagree) with me. We've no interest in screwing over our clients because ultimately if you screw over clients, we go out of business.

But at the same time we can't - we can't sit there holding their hands all the time. We can make - what we can make changes to our policy. Make them clearer and push people in the right direction, help them - help them to do

whatever they need to do. But we can't be expected to, you know, wipe their rear ends for them at the same time.

Just there's some things that people have been talking about, you know, with regards to security and various other things and (let's change that). I mean some people will - some companies will offer greater levels of security and, you know, but they will charge for this.

Sorry it's just my random rant. Excuse me.

Alan Greenberg: Random rants are good. (Ron).

Ron Wickersham: Yes. Yes, I'll even go back (it's when it's this history), I mean I have domain names that before there was a charge, there was no expectation that a domain name would ever expire. And I receive a notice that, you know, you talked about changing the rules.

At a whim, I receive a notice that if I continue to use the domain name then I'm agreeing then I'm agreeing that I can be charged an annual fee and my only option is to turn the domain name if I disagree with the change in policy.

So these kind of things go way, way back in the Internet. But the part - but as a - as a - what I see (unintelligible) but not affiliated with registries or registrars or anything like that.

But as a pretty knowledgeable person on Internet stuff, when a friend asks me to evaluate the status of their domain name, has it expired or is it close to expiring, and can they use it from another registrar and I can't find that information as a knowledgeable one, how do we expect the current situation to be adequate for someone who isn't - who doesn't have this experience?

I think that - and I applaud most of the registries and registrars for doing a good job of notifying. But my concern is that we can't just throw the

(unintelligible) with things like saying this good example means that there's no responsibility from an ICANN policy point of view to have a concern for registrants who fall under prey of someone who doesn't respect their agreement. So something to that affect. Sorry for ranting on.

Alan Greenberg: It's Alan. I have a couple of thoughts. And I agree that if one is fully rational and alert, there are a lot of things one doesn't do in life. And deal with someone who refuses to give you any contact information whatsoever is probably one of those that why should you trust them with your credit card if they won't even tell you what country they live in.

On the other hand, we know that many people approach the Internet with a level of trust that is completely ridiculous. And from my perspective as the custodian of the domain name system, ICANN has a responsibility to at least attempt to make sure that people who are - the expression isn't quite legally valid but I'll say selling the goods that they are responsible for act reasonably.

And I think that's why we are - we are here having this discussion. I'd like to say that everyone is a grown up and is responsible for their own actions. But we know that that's not always the safe way to treat things.

We've run out of time. And we seem to have run out of hands. Is there anything else on the agenda? Confirm date of the next meeting. The next meeting is next week at the same time. Is there anything else that needs discussion before we adjourn?

Man: Keep up the good work as the interim Chair.

((Crosstalk))

Man: ...Mr. Interim Chair.

((Crosstalk))

Woman: It's a hell of an interim. Isn't it?

Alan Greenberg: A little interim is good. Having now ended 5-1/2 hours of comfort calls, thank you for putting a smile on my face. Thank you all for participating.

((Crosstalk))

Alan Greenberg: Marika, are you still on the call?

Gisella Gruber-White: Thank you.

Alan Greenberg: Marika.

END