

**GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team
12 January 2010 at 19:30 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 12 January 2010 at 19:30 UTC. . Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-pednr-20100112.mp3>

On page:

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

Present:

Alan Greenberg – ALAC - Chair
Michele Neylon - RC
Cheryl Langdon-Orr - ALAC Chair
Ron Wickersham – NCUC
Alaine Doolan – IPC
Mason Cole - RC
Mike O'Connor – CBUC
Berry Cobb - CBUC
Tatyana Khramtsova - RC
Shiva Muthusamy – At-Large
Paul Diaz – RC
Dave Kissoondoyal – ALAC
Ron Wickersham – NCUC
Helen Laverty - Registries

Staff:

Marika Konings
Gisella Gruber-White
Margie Milam

Absent apologies:

Ted Suzuki – IPC
Jeff Eckhaus - RC
James Bladel – RC
Karim Attoumani – GAC
William McKelligot – ICANN Staff Compliance

Gisella Gruber-White: Thank you, good morning, good afternoon to everyone on today's PEDNR call on Tuesday, the 12th of January. We have Alan Greenberg, Michele Neylon, Tatiana Khramtsova, Cheryl Langdon-Orr, Shiva Muthusamy, Ron Wickersham, Berry Cobb, Mason Cole, Elaine Doolan, Paul

Diaz, Mike O'Connor. From staff we have Margie Milam, Marika Konings and myself, Gisella Gruber-White. Helen Laverty has also just joined.

We have apologies from Jeff Eckhaus, James Bladel, Ted Suzuki, William McKelligot. And I would remind everyone to state their names when speaking; this will help with the transcript purposes. Shiva's line has also been muted because that is where the noise came from.

Alan Greenberg: Thank you, Gisella. And any changes to the agenda? No? In that case, the first item is a continuation or the slight change in direction on the review of the registrar survey. And I will let Marika take over.

Marika Konings: Yes, this is Marika. Just want to address the agenda, just to see whether people actually had a chance to review the results in more detail and to see if whether there were any further points people would like to discuss or clarify.

Just from my side, I still haven't received confirmation from Registrar G on their responses. And I'll follow up again and see if, you know, if we still expect to receive that or not. And I'm also still waiting for clarification on I think it was Question 1H, if I'm not mistaken, on whether the email was still delivered following expiration, where one registrar provided feedback saying the email is delivered and trying to figure out or trying to identify how the email has been delivered and what measures are being taken in order to insure that.

Some of the updates as well, some clarifications were requested on, I think, like, when notes are being sent and dates as such. You'll notice that in the first draft of the initial report, I put in as well a summary of the results and where we've already updated that information. I spend most of my time focusing on that. I haven't done that yet in the (grade) or the presentation. So (Gill) might want to have a look at that and see if there's still any issues they would like to see clarified or changed or addressed in more detail as part of the initial report.

Alan Greenberg: Okay, we should probably send out a reminder on the to-do tasks after the meeting. Since we have no meeting next week, we have a two week gap and it would be nice if we actually came into that one with all of the documents reviewed and ready to discuss them at that point.

All right, is there anyone who wants to look at or discuss any of the issues in the survey right now? Having some idea of how much was involved to do this, I thank Marika very much. Hopefully it will allow us to take - put some direction in - of -that is, to identify the areas where we believe any changes need to be made, whether they're policy or best practices or whatever and start making some progress in that direction.

All right, would you like to take us through what you have in the report so far?

Marika Konings: Yes, just give me one second to actually pull that up.

Alan Greenberg: I must admit, I've been in meetings ever since I got the note today saying it was sent. So I'm going into this cold; I suspect a few others of us also are.

Woman: Yep, you're not wrong.

Marika Konings: Yes. And I apologize for not giving you more time but, you know, I really tried to do my best to actually get it done for this meeting so people indeed would have two weeks to look at it and provide input and comments.

Alan Greenberg: I don't think you have anything to apologize for.

Woman: Hell, no.

Marika Konings: So I'll read through - I'll run through the report, the structure and, you know, (unintelligible) part that I'm missing and then people can provide their input or ask questions.

Just moving down the document to be able - I want to be able to call individually. Just basically look at Page 2, you already see there the Table of Contents. And as I think as we discussed a number of times, it might be helpful to develop a glossary. There are quite a few terms that, you know, might be confusing or need sort of a definition in order to understand the content and - of the reports.

So I haven't started getting into terms there and that's one of the items that still needs to be completed. I guess in some of those, you might look at the ICANN glossary to see if there are definitions available there. And of course, some terms I think we already defined, like, you know, RAA and things like that. So that's an area of the document that will require a bit of additional work.

Alan Greenberg: Marika, I'll interject and say at large just put out a white paper on how we're planning to select the director that has been or is being allocated to us on the board. And the first criticism, one of the first criticisms came up is it's unintelligible that there are too many acronyms in it. And I think I would like someone to explain how you can write a paper about ICANN without having it full of acronyms.

Marika Konings: Yeah, it's probably impossible. But hopefully a glossary might assist at least those, you know, newcomers to ICANN, what it's all about.

So Page 4, (index) summary, that will be finalized once the rest of the report is complete. As far as its objective, it'll probably be quite lengthy because it's a substantial amount of information. The objective will really be to try to highlight here the key elements of the report and insure as well that those that don't have the time to do everything, you know, you'll get a good snapshot of what's being discussed and proposed in the reports.

So moving then on to Page 5, just outlining the objective and it's more a procedural thing that, you know, that is required step in the PDP process.

You know, as well pointing out that the initial report will be posted for public comment for 20 days as a requirement of the current PDP process and, you know, what will happen after that.

Chapter 3, Page 6, starting on Page 6, going into the background. So Section 3.1 is a process background. So basically, you know, discusses the - how (unintelligible) brought to the table and what issues the report was presented, when the GNSO Council decided to initiate a PDP and all of the relevant background information with the relevant links so that people can check back as well if they want to get more information on these different issues.

Section 3.2 on Page 7 is then the issue background, a summary of the current process. For now, it's taking the excerpt from the issues report which describes the different stages. But you know, this might be a section as well following the work that Barry and Mikey are doing and where the further details might be needed or required or desirable or, you know, another chart, for example, to outline the process. So for now, you know, just stuck in the descriptions that were used in the issues report as a way of general introduction to, you know, what happened prior and post expiration from, you know, a contractual perspective.

Then moving on to Page 12, approach taken by the working group. It basically just outlines what the working group has done to date, how we've conducted our work and, you know, the fact that we decided to do a registrar survey to follow the discussion and then list the members of the working group and provide some links to the statement of interest and the email archives and the workspace that everyone can find all of the discussions and all the things the working group had (unintelligible) come to this report.

So Chapter 5 on Page 14 is then the summary of the registrar survey. It says, you know, if anybody wants to review this and make sure that, you know, it basically follows the lines that I set out in the presentation, that I provided in the last meeting. But again, people still hear that certain items are not

highlighted enough or should, you know, (the distribute) provided or feel that certain items, you know, are not correct or, you know, should be more balanced or whatever. I think they should provide that feedback and (unintelligible).

So first, talking about the methodology and invite them to actually go into the detail of their (design) to different questions. So actually my idea would be as well to provide in the (unintelligible) the scratch sheet with the full results, alternatively provide a link here and post that on the Wiki so that people can check back and see the full results as well.

So moving on to Chapter 6 on Page 20, information from ICANN compliance staff. As the chart specifically foresees, participation or information from ICANN compliance staff has included information here that they've provided over the course of these working groups.

So first of all, related to complaints received is, you know, (private) discussions as well on what data exists and what is the evidence of harm. So I provided there that the information that they provided to the group some time ago. And in Section 6.2 on Page 21 provides information on the different audits that compliance has conducted in relation to the expired domain to (mission) policy.

And again, this is in chapters where I would like to ask the compliance team to review it and provide some input and see whether there's additional information that they would like to share at this point in time.

So in Chapter 7 is deliberations of the working group. Here I've basically looked backed at my notes and try to put under the different charter questions as much information as possible that I could gather from my notes. But again, this is just, you know, real draft and I would really encourage everyone here to review whether I've reflected the discussions so far correctly and to see as well if I need key items that are missing from this that we have discussed.

As you'll see as well under some of these questions, I think it's obvious that, you know, we need to have some more discussions as we didn't really go into details yet. Partly as well is we're still, you know, or course, reviewing the registrar results. And you know, in the outside I highlight as well some issues we've discussed, you know, apart from the charter questions, such as, you know, discussions we had about, you know, the evidence around actual incidents and harm that is, you know, which will help in identifying what changes if any will need to be made.

Also the discussions we had on what could be considered adequate (unintelligible), what does it mean, what should it mean in this context. And also the fact that interpretation of these terms might also have an impact on other provisions in the EDDP that use that term and especially adequate is used in other parts as well.

Then if you go through the chart, different chart of questions, you know, I don't think it hardly doesn't make much sense to go through all of them now. So again, I recommend you to review those. On each of those I include bullets, noting that further information to be added as appropriate. Just highlighting as well, you know, I did my best to capture the discussions but this is by no means a final or the only information that is relevant under these points.

For each of them I've included as well additional recommendations, ideas for other consideration or discussion as to be decided or to discussed. For some of them, I think there's some ideas there that, you know, have been raised during the discussion.

And I think that it is well for the group to consider or discuss something that other working groups have done with their initial report. To just, you know, throw some ideas out there and say, look, these are not their recommendations yet or neither are these our conclusions or these are just

some ideas that, you know, want to take advantage of the public comment period to test the water basically.

And you know, see whether there's any, you know, traction in some of these or whether there's really a large resistance or things we haven't thought about when we initially discussed those. So that's something the group might want to think about including.

So I'm moving on to Chapter 8, on Page 28, basically reflects the stakeholder groups consistent to statements and public comment period. So Section 8.1 and just a summary of the public comment period, comments received and a link to the summary of the highlighting that the working group did spend a lot of time in the month's time reviewing the public comments and different meetings. And have also included in these to the grid we developed so people can actually see, you know, views of the working group was on the different issues raised in the public comment period.

Section 8.2, the stakeholder group constituency statements as basically provided the summary here based on the grid that we've used to review the different statements from constituency stakeholder groups. Again, I would like to encourage there the different representatives from the stakeholder groups and constituency to review this section and to make sure that that's, you know, reflected their contributions appropriately.

And a question here for the group might be in some of the working groups, different statements have been included as annex for now. I've included - and my idea would be to include a link to the Wiki page where we can post all the statements in order to, you know, introduce the overall size of the document. But you know, that's something the group might want to discuss. I don't know if people have specific views on where those should be.

So moving on to Chapter 9, Page 33, continuing to the step. And this is also the working group to review whether they would like to take this approach for

now. It basically says that the group will aim to complete this section of the report and the second phase of the PDP following the public comment period. And so leaving that open for now and complete that for the final report.

And then there are just some annexes; Annex A on Page 34 is the chart of the working group. Annex B on Page 37 is the constituency statement template that we developed and used to get into some constituency - constituencies and stakeholder groups. And then on Annex C, installment to complete that with the registrar survey questions and responses. So that's it.

Alan Greenberg: Any comments on this particular report before we start talking about how we go forward with this? Nothing?

I guess as you're going over it, I'm wondering how we start filling out the various, you know, more substantive parts in terms of conclusions and recommendations. I like your idea of trying to put up possible recommendations. I'm not sure if that's the wording you used. But start identifying things or targets that we believe should be coming out of this and both see how they fit with the various charter questions and understand under what extent they're really doable or not. Marika?

Marika Konings: Yeah, this is Marika again. Sorry, I - one thing I forgot to mention, of course, depending on whether we finally get an alternative proposal that might be a separate chapter or maybe fit under the charter questions. So that's something else for the group to consider how to fit that in if it's, you know, if we get that information in time for the initial report...

Alan Greenberg: Yeah.

Marika Konings: Or rather people feel that, you know, for the initial report, we're just going to put some ideas or suggestions on the table and then maybe consider following public comments, alternative scenarios and, you know, everything is optional in that sense.

Alan Greenberg: I guess one of the things that came to mind as you were going over the charter questions and possible recommendations, it's not clear that some outcomes may be addressing a single charter question. That is, you know, certain recommendations could well span a number of questions. I wonder, you know, I guess we want to be flexible in how we present this and not rule that kind of thing out.

Marika Konings: Yes, absolutely. And you know, I've listed for now under each charter question the recommendation. But that's something as well that can be moved to the end or you can highlight, you know, the different recommendations for which - to which charter questions they relate stuff, you know...

Alan Greenberg: Okay.

Marika Konings: Or are flexible.

Alan Greenberg: Barry, you wait - you have some comments that you put into the chat?

Berry Cobb: Yes, this is Barry. I was just pointing out that, you know, I really do appreciate the pages, like, 7 through 10 that really start to break out the nuances of RGP and ARGP, which I think is, you know, the areas that we're really focusing on that lead to the confusion that we've discussed on this call. So great effort, thank you, Marika and I look forward to helping to move this one forward into final draft down the road.

Alan Greenberg: All right, I guess one of the questions I guess I'd like some input on is how do we go forward? My gut feeling tells me that we're not going to make significant progress without breaking out some workgroups and have actual discussions taking place between our formal meetings. Does anyone else feel - is this a good thing or a dumb idea or how do you feel on that. I

certainly would like to have other people contribute to the report, not just Marika writing or transcribing what we're saying here - deadly silence. Barry?

Berry Cobb: Well, I guess just kind of tacked on what I was just mentioning is definitely some of the work that I'm doing on the side has - the Pages 7 through 10 have contributed to the content and/or will contribute to the content and back and forth, once we've kind of create the content and offered up to the team for review.

So you know, I definitely agree with what you're saying, that we do need to break this apart and kind of divvy up the work, so to speak. And I'm certainly planning on contributing to the areas, what, Section 3, I believe that is. Yeah, 3.2, etcetera.

Alan Greenberg: Ron?

Ron Wickersham: Yes, this is Ron Wickersham. In the report, which, yeah, I was able to read before we started the meeting to a little more detail. But that's a part where some of the ICANN, I believe it's called the ICANN Enforcement Group or something like that. We're looking into issues about the - about what registrars were publishing.

Now they have indicated 500 registries were surveyed whether they were complying with, like, sending two notices before, etcetera. In our discussions, we've had the part of saying, well, some people say we're not obligated to, you know, you may have a registration agreement saying as a convenience to the registrant, we may notify you but we have no legal obligation to notify you.

Yet it implies that the RAA or one of the other agreements does require those notifications and that the compliance portion of ICANN is going to review it in a few more months to make sure that all registries - registrars are in

compliance. So does that over - how does that overlap with we would - would we put that in our report, that we want them to do that or...?

Alan Greenberg: Well, I - Marika, you had your hand up. I've got a thought on that but why don't you go first.

Marika Konings: Yeah, this is Marika. Just to clarify, the work that is referred to that the compliance team would have taken in six month's time relates specifically to the audit they did on whether the registrars posted a fee that is charged for recovery during RGP on their Web site.

And the compliance team recently posted an advisory to clarify because apparently there was confusion or it was interpreted differently by registrars that the RAA provision means that the registrar has to say that not just a fee is charged but specify what that fee is.

And so in the part of the report that talks about the Section 1 follow-ups with this survey to that work and as far as I'm aware, the compliance team hasn't taken any audit yet on this particular requirement of sending two notices. But again, that's something that the group, you know, might want to request or might to ask further information on.

Alan Greenberg: Yeah, I think there's two sides to that. Certainly if we believe that there is a compliance issue, I would think it's within our mandate to request that ICANN compliance look at it. The other issue, however, is do we believe that the requirements, you know, the details that are in the RAA are sufficient to meet the needs of having a reasonable expiration process.

And if the answer to that is no, then we need to actually change the - or make recommendations to make the policy as opposed to, you know, just having the current one enforced. The issue of expiration notices is an interesting one indeed because all the RAA requires specifically is that a second notice be

sent out prior to expiration and it's silent on when the first notice comes out and it's completely silent on the timing with relation to the expiration.

And so obviously one of the questions we have to address is, is that specified in sufficient detail within the RAA to insure that people do have proper notice.

Anything else? I get the impression this group is not heavily involved in this right - in this particular meeting. As I said, I'm guilty, I must admit because I was running (unintelligible) on another project until a couple of seconds before this meeting started. So I'm going into this a little bit cold also.

How do you recommend we go forward in terms of doling out the work or coming up with hypothesis, Ron?

Ron Wickersham: Yeah, this is related to that. Are we going to have a mechanism where we mark up as a collaborative, mark up this report or do we send on the email list to Marika or just how do we go about clarifying and revising it and...

Alan Greenberg: Yeah.

Ron Wickersham: Working it into shape?

Alan Greenberg: Okay, Marika, how would you like to see this done?

Marika Konings: This is Marika. The issue is we don't really have an online collaborative tool yet that really allows for, you know, live editing of documents. So for now, you know, everyone's happy about it. I'm happy to take in all the edits or comments or suggestions that people provide and mark up document so that in the next meeting basically we can, you know, have one document up there and go through the different changes or comments or questions that are then included in that version.

And of course, you know, people can send it the mailing list. Everyone can see as well the different changes and suggestions that people are proposing. And in that way as well, there's a way to keep maybe a central control and make sure that, you know, we're not sort of mixing of versions or people are working off all the versions or things like that. So that will be the suggestion from my side.

Alan Greenberg: I'm not a great fan of multiple people altering the document in parallel and then people not quite knowing what has changed or by whom. And I would advocate to the extent possible that we do things by the mailing list so that at least the other people can have a running record of who's commenting and what the comments are. Barry?

Berry Cobb: This is just in reference to what you were saying about next steps. And I'm going to start by - with a question; is the intent of this initial report, are we supposed to have this ready by Nairobi for review by the community?

Alan Greenberg: I suspect that's not going to be possible. We need to discuss our Nairobi plans before we adjourn today.

Berry Cobb: Okay, so...

Alan Greenberg: At least to the extent of understanding what the deadlines are for coming to closure on it.

Berry Cobb: Okay. I guess so in reference to your question about next steps with the report is, you know, I mean, I'm definitely glad that we've pulled this together to kind of start seeing something on paper. But you know, I think really we're at the point where, you know, we need a little bit more affirmative data to nail down exactly what issues we're going to try to address, i.e., we're in that stage of starting to try to mold some recommendations on what we need to do. And that's certainly not what's a part of this report entirely.

So really that's our next step is not so much the report but, you know, what's the substance by which we're going to start...

Alan Greenberg: And...

Berry Cobb: I'm done, thank you.

Alan Greenberg: I think the only way we're going to get there is as Marika suggested, start coming up with possible recommendations, possible directions and see if we can - to what extent we can agree on any of these or to what any extent, you know, there's going to be significant differences among the group. Barry, is that a new hand or an old hand?

Berry Cobb: Kind of a new hand. Yeah, actually...

Alan Greenberg: Okay.

Berry Cobb: I'd like to know where we stand kind of from a consensus perspective and start nailing down, you know, how far left or how far right are we from those particular topics. So thank you.

Alan Greenberg: You know, certainly in my mind one of the kinds of things we need to discuss is to what extent can - should we put policy in place to insure that a registrant understands what they're getting into and to what extent should the future be, you know, vague, I will say. And I'm talking with reference to the kinds of terms we've seen in contract that things may or may not happen.

And you know, I don't - well, I don't know how to fix that problem. Is that an acceptable situation or do we need to address it? I mean, I certainly know what my answer is. But somehow we have to, you know, either come to closure on it or identify clearly what our various positions are. Michele?

Michele Neylon: You're not going to be able to fix it, Alan, if that's what you're looking for because there's no way that any of our legal counsel would ever allow any of us to not use terms like might, could, should. I mean, basically the (model verb) is a legal ass covering which a lawyer or (a visitor) will basically mandate.

I mean, the most you could hope for is that with the registrant's rights and responsibility document that comes out of the new RAAs, that some things will be clarified. In other words, you know, if you pay for a domain name in 2010 or a year, it will expire. I mean, it's just - I don't know, I can't see - no matter what we do in terms in simplifying language and everything else, you still get people who will not understand. And no matter what you do to combat that, it's not going to go away.

Alan Greenberg: I don't think anyone's going to disagree with your last statement. The real question is, is - do we have - which anyone can understand. Ron?

Ron Wickersham: Yeah, rather than on the language, I'm saying on the terms whether lawyers will allow it because I don't find any law - I don't find any of the agreements saying, well, the registrar may or may not delete the domain name before it expires. So if they're able to commit there, why can't we have equally legally binding requirements for notification and how it is handled if there is an expiration?

Alan Greenberg: Michele?

Michele Neylon: The problem is (unintelligible) for our email and (unintelligible) what happens if the recipient's email server isn't working? What happens if they get - if they provide an incorrect email address? I mean, there are a lot of these things that, you know, if I say in a - on - in an agreement or whatever that I will inform clients - I will inform registrants of (X, Y and Z), then I'm making an obligation to do that come hell or high water. Wherein is if I say I will make all best efforts to do it, that's much more reasonable.

Ron Wickersham: I agree on the side of saying much more reasonable. But to say that you have no obligation and it's only a courtesy that you may attempt to send an email...

Michele Neylon: Ron, with all due respect, I never said that.

Ron Wickersham: No, you didn't but other contracts do.

Alan Greenberg: Yeah.

Michele Neylon: I cannot speak for other contracts. I can speak for the stuff that I have, my own control. So from a technical perspective in the last 72 hours, I have seen people sign up for a hosting account and domains with our sales using the domain name they were registering and the email address, just to give you one silly little example.

I've had people - I've seen people invent variants on the Hotmail - on Hotmail, where they've decided it's hotmail.net, not hotmail.com, you know. There's a reason why we have to use very cautious language in some of these things. I mean, I'm sure there are people who may make crazy vague things. But at the same time, asking us to change our contracts to an agreement to make certain promises that we are incapable of actually completing in all circumstances is unreasonable.

Alan Greenberg: I guess, Michele, that - I don't think anyone's going to argue that there are users out there who are going to do stupid things on a regular basis. But I think the question is, for instance, you - the wording you just used was you are not going to put in a contract that you will inform a user. But I will make it...

Michele Neylon: I will make that effort.

Alan Greenberg: Yeah - no, I understand. But it will be reasonable to say to put in the requirement that you must send email messages to the addresses on record in a certain timeframe.

Michele Neylon: I would say but attempt to.

Alan Greenberg: Well, I didn't say they received it, I said you sent it.

Michele Neylon: But if they actually provide an email address which is not RFC compliance, then I actually won't even be able to...

Alan Greenberg: To properly structured email addresses.

Michele Neylon: No - but you understand the problem.

Alan Greenberg: No, no, I do understand the problem. I'm not suggesting that people need to do the impossible, only that they be required to do reasonable things.

Michele Neylon: This is - I don't know, I think we agree on this. The thing is but when it comes down to writing any kind of contract or agreement, whatever gets put in black and white is the only thing that anybody has to reference. So how you word that is going to be the (fun) part of this.

Alan Greenberg: Of course.

Michele Neylon: I think - I'm trying to read the chat. I think (unintelligible) make all reasonable attempts, I think is what she's saying. And you know, it's reasonable best efforts. Those kinds of things I personally can live with. Asking me to part the waters and everything else, no.

Alan Greenberg: Right, I don't believe anyone has asked you to part waters yet. We're reserving the right to do it in the future, of course.

Man: Michele can do it.

Mike O'Connor: I would like to ask that.

Alan Greenberg: I said we reserve the right to do it in the future.

Michele Neylon: Hey, Mikey.

Mike O'Connor: Sorry I've been so quiet but it was such a huge opportunity, I couldn't resist.

Alan Greenberg: You can keep the mike now.

Mike O'Connor: Oh no, I just...

((Crosstalk))

Mike O'Connor: Michele part the waters.

Alan Greenberg: We're going to have to have a video conference for that.

Man: Indeed.

Alan Greenberg: But to take the humor out of it, I think Michele hasn't - has identified one of the problems. We need to be able to specify what we want in terms that are reasonable for registrars to be able to carry out. And at the same time, set expectations appropriately for a moderately literate, moderately rational registrant.

Now I'd like to think we can go down the middle of that road and in fact do both of those. But I - but in my mind, that's really the target; not how we can convince someone who refuses to read the document, what's going to happen and not someone who has completely irrational expectations. You

know, irrational expectations is, you know, putting out a bogus email address and then expecting the email to be delivered.

Michele Neylon: Well, they would do that as being a misunderstanding of the technical aspects of things.

Alan Greenberg: And there's going to be some of those and we can't fix that.

Michele Neylon: Okay.

Alan Greenberg: I mean...

Michele Neylon: I would humbly suggest, Alan, that somewhere in this document or whatever document that comes out, the final end, that some note is made about the final fact that no matter what we do, we cannot as a group force people to actually read things. And you know, we can't change people's habits. And if they won't read an email from the registrar and actually tell you categorically that they're not reading their emails, you know, what can you do?

Alan Greenberg: Well, we may actually want, you know, an annex somewhere of the kinds of situations that registrars come up against in this kind of environment. Because I think indeed that does, you know, give a picture of what we're trying to address. You know, it's not only the registrant who is, you know, had disservice done unto them that we're looking at but we're looking at the real world where some registrants are not going to be reasonable. And we need to put policy in place which allows registrars to survive and work in that environment.

And at the very beginning of this process, someone said - someone asked me, you know, do you mean that someone should be able to recover our domain name anytime in the foreseeable future after it expires? And my answer to that was, of course not. That would be completely unreasonable.

That doesn't mean there aren't going to be unreasonable people but hopefully will be more reasonable than that.

I would like to suggest that as one of the ways going forward, anyone on this group who wants to participate in it to start putting together what they would consider possible recommendations. If we do this independently, it would be interesting to see how they overlap and how many of them are judged by other people as totally unreasonable. What do people think about that way of going forward?

I think it might valuable because instead of trying to get closure of one by one, let's start tossing them all into the - into a pen and try to understand just how unreasonable we are being to each other.

Cheryl Langdon-Orr: And this is going to be - I'm sorry, Cheryl here - an email - sorry, Cheryl here, I had my mike out of the way. This is going to be an email list discussion of the group of the whole...?

Alan Greenberg: I would think we submit them and we can discuss them. But at least for a start just put them together and submit. And I'm sure Marika will be willing to try to collate them into the report so we can read them, you know, read them all and, you know, lump together and, you know, with the common ones put in the same place.

Cheryl Langdon-Orr: Okay, I understand that.

Alan Greenberg: I think. (Steve)?

Shiva Muthusamy: Yes, (unintelligible) email again (unintelligible) require we can have collaborative documents. We have collaborative documents online, then everyone can (comment) of what their version of what could be the recommendations for the particular problem. And so I think (unintelligible) is to have a collaborative document.

Alan Greenberg: Well, at this point, as Marika points out, we don't have a tool which is universally available to everyone. And collaborative documents where everyone can change the same document, there's a real problem with tracking who's changed what and everyone agreeing or at least the group agreeing on things in general. So I think it's a place to aim at but I don't think we're there yet.

Shiva Muthusamy: (Unintelligible) document and probably won't allow (unintelligible).

Alan Greenberg: Certainly at this point, I don't think the group in general is in a position to start doing that. Any other comments on who to go forward in the review and in fact in the PDP?

At this point, we're asking people to come up with what they believe or ways for to address the kinds of issues we seem to - in light of the results we have so far in the registrant survey and do that over the next two weeks, I believe we decided tentatively that there is no meeting next week. I don't remember why; I think there was some other ICANN event going on?

Gisella Gruber-White: Lack of staff being available.

Alan Greenberg: Staff not available, that is correct, okay. So I think exactly it's a good thing it will give us a reasonable amount of time to read over the documents, both the registrar survey and the draft initial report and start putting together in our own minds what we believe we're going to do to go forward in it.

Woman: Okay.

Alan Greenberg: Anything more on that? All right, next issue is the - it wasn't on our agenda actually but it should have been, the question of the Nairobi meeting. Is either Marika or Gisella, do we know roughly how many people in this workgroup

are going to be at the meeting and are willing to have a working group meeting there?

Gisella Gruber-White: Alan, if you just bear with me for a second, I'll send the numbers through - I've got them here. Thirteen people participating in the Nairobi meeting. We've got two maybes and we've got a few nos.

Alan Greenberg: And my inclination at this point is a working group meeting is likely - assuming that we - between now and then we will have done a fair amount of work on possible future directions, my inclination is that a working group meeting is likely to be more productive to us at that stage than a public meeting, doing both maybe overkill on the agenda. Any other thoughts on this?

Marika Konings: This is Marika, just a question with the working group, you do mean that it's open for others to attend and maybe at the end have an open discussion?

Alan Greenberg: I was...

Marika Konings: Or do you want to have a closed meeting?

Alan Greenberg: I think there's any merit in having a closed - in completely closing it. I'm willing to listen to other thoughts on it. But I would think it more as a working meeting, presuming that the people have read the documents and things and not composed of 25 minutes of presentation first. That's my opinion; I'm willing to hear others though.

We were not very successful in Seoul in using that meeting to get a lot of net attendees and participants in this group. We did pick up a few but it wasn't an imminently successful endeavor. I'm not sure in Nairobi it's going to be any better, since I think the overall attendance is likely to be weak.

Do we have some thoughts on do we go with an open meeting or to go with the working group meeting or neither or both? Anybody?

Berry Cobb: Alan, it's Barry.

Alan Greenberg: Sorry?

Berry Cobb: It's Barry. I'm just kind of voicing a comment I typed in, you know, if we do have one let's go ahead and keep it open and I do plan to be there so look forward to it.

Alan Greenberg: Okay, so you said keep it open, so we're talking about a working meeting but an open working meeting.

Berry Cobb: Correct, you know, reserve the last 20 minutes for open questions or something but yes, exactly.

Alan Greenberg: Okay. Michele?

Michele Neylon: As I won't be attending, I have no real strong feeling on this.

Alan Greenberg: Okay.

Michele Neylon: But I think by closing it, it might not be a good thing.

Alan Greenberg: No, I guess I never thought about closing it. But you know, clearly that is an option. You know, the only danger of having an open meeting is people try to actively participate who are not up to speed. And I suspect that having someone who wants to participate is not one of the worst outcomes we can come up with. Paul?

Paul Diaz: I agree with keeping it open, Alan. I was only going to ask also, are we trying to do it in this particular time slot? In other words, for colleagues that are wherever they may be in the world that are not in attendance, will we try...

Alan Greenberg: Well, this particular time slot would be rather relatively late at night. Marika, what time is it where you are right now?

Marika Konings: It's 9:30 in the evening. And I think in Nairobi, it might even be one or two hours later.

Alan Greenberg: Yeah, it's either one or two, I'm not sure which.

Paul Diaz: No problem. Then I would only ask...

Alan Greenberg: So I think the answer is no, we will probably not do that.

Paul Diaz: Sure. Then I would only ask - I'm actually asking on behalf of others who aren't on the call today, they requested the sooner we can put in some tentative time slots to agree on the better. I know how difficult it can be for staff to just find an open time slot...

Alan Greenberg: Yeah.

Paul Diaz: And for those in attendance, we all know how crazy it is with conflicting arrangements and what not. But finding a time that works for the most number of people and is available in Nairobi, the sooner we start working on it the better for everyone.

Alan Greenberg: Agreed.

Marika Konings: And this is Marika. We're already starting looking at the schedule so hopefully, you know, we'll be able to get everything pinned down and a

tentative time and a day as to - and of course, as soon as I have information, I'll share it with the group.

Alan Greenberg: Yeah, I mean, certainly if we could find an early morning session, not, you know, unreasonably early but early in the regular agenda, then that corresponds to still daylight hours then awake hours in Europe and North America.

Marika Konings: Just to mention there, I think, I'm looking at - normally what happens is schedules are taken over from past meetings and then serves as a starting point and many meetings do occur. And if I recall well, there is a standing slot Monday morning 7:00 a.m. that has been used for GNSO working group meetings. So that could be a potential slot, although it's early in the day and also early in the meeting.

Alan Greenberg: Yeah, I'm not sure I'll support a 7:00 a.m. meeting there right now.

Marika Konings: Okay, (unintelligible).

Alan Greenberg: So I think we've made a decision to the extent that we can that we are going for a working group meeting. And Marika I think understands the time constraints if we can to allow certainly European and preferably the North Americans to participate also.

What else can we reasonably accomplish today, given that we started off very late with, you know, without having looked at the documents - at least some of us, anyway? Cheryl says it is very likely to be an early a.m. time slot.

Cheryl Langdon-Orr: Sorry, just to make my point clear, because the (unintelligible) chance of the (unintelligible) season is working with the meeting people to find unconflicting times for major meetings and that's hard enough. My guess a work group meeting is very likely to end up to be, you know, over a cup of coffee and a piece of toast from the Nairobi planning point of view.

Alan Greenberg: Marika, can I ask you if we end up something like a 7:00 a.m. meeting that we try to at least have a meager breakfast provided?

Marika Konings: Yes, I think we've done it in the past as well, to be true. Some people show up if we lure them with breakfast. So yes, I think that's will be foreseen if it's 7:00 a.m.

Alan Greenberg: It would be nice if the breakfast is good enough to lure people but at least coffee and something to eat with it. Cheryl?

Cheryl Langdon-Orr: I actually think if you're talking about a working breakfast anything more than, you know, a piece of bread and a bowl of cereal is ridiculous or, you know, a sticky bun or something is ridiculous anyway. The idea of hot eggs and everything else for a working breakfast I find not only practical but a waste of funds and resources because most get left anyway.

But that personal bias aside, I think it's important that the - this workgroup knows - and (Mary) can make sure it gets passed on to any workgroup that's looking at meeting in Nairobi - the other limiting factor is that the convention center quite literally closes at 6:30 at night. We all have to be on buses and going back to our respective hotels and places of accommodation by 6:30 at night. So the pressure is going to be even more intense on finding an available time slot this meeting.

Alan Greenberg: Noted. In terms of breakfast, I'm happy if it's coffee, tea for those who'd want it, a starch and a little bit of fruit. Anything more than that becomes cumbersome.

All right, we are not going to have a meeting next week, I'm told. I think we've tentatively decided that it was opportunistic and we won't have staff also. Is there anything else - Michele? Michele? He may be muted.

Michele Neylon: Sorry, I muted myself. I mean, I'm going to have to drop off because if I don't get a couple of buckets of water for the night, I'm going to be quite miserable.

Alan Greenberg: I think we can allow that; not being miserable, I mean getting the water.

Michele Neylon: (Unintelligible) in the country, which has rain practically 265 days of the year. If I don't have any water, it's (unintelligible).

Alan Greenberg: I understand it, what can I say? Just to share the pain, the other day I didn't have any power, I had a major power outage and everyone sympathized with me living in a country where, you know, it's winter all the time and power isn't reliable. It turns out it was a transformer one house away that blew up and had nothing to do with the weather whatsoever. Take care and good luck with your water.

Michele Neylon: Okay, thanks.

Alan Greenberg: Is there anything else we need to discuss today? I'm glad we got together, unfortunate we haven't had a little bit more time on our own schedules to look at these things. And Marika, that was not a comment against you, that is the rest of ICANN keeping me busy all the time.

If not, then I give you back a half hour of your time. We'll meet two weeks from now and you will get some annoying emails from me along the way reminding you to be ready for an interesting meeting at that point.

Woman: Okay.

Alan Greenberg: Thank you all.

Woman: Bye.

Woman: Thank you.

Man: Bye.

Man: Bye.

Woman: Bye.

Woman: Bye-bye.

END