

**Registration Abuse Policies Working Group  
TRANSCRIPTION  
Monday 01 February 2010 at 15:00 UTC**

**Note:** The following is the output of transcribing from an audio recording of the Registration Abuse Policies Working Group meeting on Monday 01 February 2010, at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but **should not be treated as an authoritative record. The audio is also available at:**

<http://audio.icann.org/gnso/gnso-rap-20100201.mp3>

On page:

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

Present for the teleconference:

Greg Aaron - Registry stakeholder group - Working Group Chair

James Bladel - Godaddy Registrar stakeholder group

Berry Cobb – CBUC

Mike O'Connor – CBUC

Rod Rasmussen – individual

Martin Sutton – CBUC

Greg Ogorek - Individual

Robert Hutchinson – CBUC

ICANN Staff

Marika Konings

Margie Milam

Gisella Gruber-White

Apologies:

Faisal Shah – IPC

Philip Corwin – CBUC

Coordinator: This call will now be recorded. Please you can go ahead. Thank you.

Glen de Saint Géry: Good morning, good afternoon everyone. On the call for the Registration Abuse Policy Workgroup, we have James Bladel, Greg Aaron, Mikey O'Connor, Martin Sutton, Faisal Shah, Berry Cobb, Fred Felman, Michael Young and for staff we have Margie Milam, Marika Konings, and Glen de Saint Géry.

Thank you Greg.

Greg Aaron: Thank you Glen. I don't recall seeing any regrets. We'll see if anyone else can join us today.

Glen de Saint Géry: No. And no regrets were received Greg.

Greg Aaron: Okay thanks. All right. This meeting is planned to extend as long as is necessary to walk through the last recommendations. And then Marika will be setting up a second online poll. And we hope to kick that off on Tuesday. And that poll will be the official mechanism for measuring the consensus levels on the various recommendations. So we'll have that open hopefully Tuesday extending through the end of the week so the members can log in and you can consider those at your leisure.

Then we'll have the meeting next week. We'll run through the results and discuss any last things that need to be discussed. And then we will have our final paper. We'll post a final version. It'll be up for a couple of days so everybody can take a look at it.

And then we plan on submitting it a week from Friday which is our deadline to get things in for the ICANN Nairobi meeting. So, we'll see how long this takes. We'll try to keep it brisk but also accurate and we'll take some breaks. James you have a question?

James Bladel: Yes, a quick question Greg and maybe I just misheard, but did you say we'll be submitting our final paper in Nairobi or interim paper? I know we're kind of tracking the PDP timeline, but this isn't a PDP so I just wanted, for my own clarification...

Greg Aaron: Hmm.

James Bladel: ...be with the interim paper and then we'll receive comments and then we'll revise it for a final or we're just skipping that middle step.

Greg Aaron: This is the initial report.

James Bladel: Okay.

Greg Aaron: Council looks at it. We do have a public comment period. And then we'll examine those public comments for consideration in a final paper.

James Bladel: Okay thank you.

Greg Aaron: So the goal by the way is to get the public comment done. We'll have to discuss exactly how long we want to hold that public comment period open before we discuss having it, be a little longer than usual.

The goal though is to get that final paper done in April, May and then final report goes to the Council in preparation for the next ICANN meeting which would be in Brussels.

So then you can see the - in the agenda for today's call you can, by the way you can see that complete schedule through June. Okay. Just let's go ahead with a little bit of housekeeping and then dive into the last recommendations.

Marika had sent out a cleaned up version on the 27th I believe. And then we had a couple comments, some from Berry, some from Rod and Berry we haven't really had a chance to look at yours because they came in very close to the deadline at the end of the week.

Berry Cobb: Hi Greg.

Greg Aaron: Were there any that were - you felt were really substantial and we need to pay particular attention to?

Berry Cobb: Yes. There are several. This is Berry. Thank you. At first there are a few of them that are very big changes. You know, I was going really kind of save this when we got the recommendation uniformity but if you want we can talk about it now.

But definitely there are three or four major kind of changes such as where some of the data is located in the Appendices versus in the background information and some other big ones that - anyway it just made it difficult to make those changes with the markups because there's big chunks being moved around.

So I wanted to kind of go over line item by line item and obtain agreement about these changes so that we can make them in the background without really messing up the write up or the markup.

Greg Aaron: Okay. Well are there any changes to the recommendations? Let's begin with that.

Berry Cobb: No changes to the recommendation. It's all focused around the background material.

Greg Aaron: Was it mainly moving things from the Annex or the Appendix into the main body?

Berry Cobb: Okay. The first one is yes the Appendices, the information in there should in my opinion belong in the background information primarily for the fact that all of the other sections don't have Appendices and there's pages upon pages of background information for each section.

So to maintain uniformity for uniformity of contracts, I would recommend that we move that into the background. Doing such would allow us to sunset or

delete that one big table that was a summary table and readers can go into more detailed information instead of that table.

Third change is there's some screen shots at the high level of what the matrix looks like. One of those screen shots is missing so we need to put that back in there as well.

And then I've got four or five small comments about some of the background information that was added. And I think we need to either find a separate section for it, and some of it I would suggest that we reword some of the additions because they seem to kind of minimize the recommendations.

Greg Aaron: Is that reword - have you already proposed that rewording?

Berry Cobb: I did in the line items or in the markup that I had sent outside of the document, but those line numbers had changed. And so I was starting to readjust those line numbers, but the bigger formatting changes to the document would have changed all those blind numbers anyway.

So I submitted the bigger changes to Marika, but we both agreed that we needed to have your guys' agreement before we made those changes. So to answer...

((Crosstalk))

Greg Aaron: Okay.

Berry Cobb: ...just no.

Greg Aaron: Okay. I always found the summary table to be useful. This - it might be useful for readers from outside the group who don't have quite as much background. Is there any - you - any reason why we shouldn't really include it? It could then go on, I mean the paper can then go on to include details.

Berry Cobb: We can. It's just kind of regurgitating what they're about to read on the next page. And that's only if we agree to move the Appendices information into the background.

If we don't like that, then we should keep the summary table. And if so then I would probably want to reword one or two of the far right column wording just to help bring clarity.

Greg Aaron: Okay.

Berry Cobb: I guess I'd like to point out because see the problem with the summary table is the uniformity of contracts group, we really only conducted research on a certain portion of it. There are other portions of that research that were pretty much kind of reused from the issues report for those areas.

So I didn't want to bring out repeated information that was already in the issues report performed by staff. So that's why there was just kind of the summary information.

Greg Aaron: Okay. My - I don't want to take too much time to go over the line by line today because we're kind of out of time for that. But what I would suggest is why don't Marika and I look over your notes.

It sounds like, you know, it's mainly an issue of bringing material from the Annex into the main body which, you know, is fine by me. And we'll go over your notes that you provided on Friday night. Does that sound okay?

Berry Cobb: Yes that's fine. Certainly. Again a couple of the comments, and I think that was you that added them in there Greg into the background section. You know, I think it does warrant discussion amongst the team.

Greg Aaron: Okay. Let's do that on list. But let's try to work on the recommendations today. Okay. So that's all duly noted Berry. Rod Rasmussen has joined the conference line. Rod, are you there?

Rod Rasmussen: Yes I'm here.

Greg Aaron: All right. We got some edits from you near the weekend. Although I had a little bit of trouble searching them out in the many - amongst the many, many markups in that particular draft.

Were any of - were your notes mainly touchup or were there any substantial changes we need to discuss?

Rod Rasmussen: There were nothing - there was nothing really substantial as far as changing content.

Greg Aaron: Okay. All right. Well we'll - we'll be incorporating your edits then. And then there was a little discussion on the list over the weekend about material predicate.

We had promised each other we could review the definition at the end of our work which is why this came up. What I would propose is that little snippet of text I created just be put into the text somewhere as an explanation to readers about what that means. It doesn't necessarily have to be part of the definition though but I think it might be helpful to give an example. Is that okay with everyone?

James Bladel: Yes. This is James. That's fine Greg.

Greg Aaron: Okay. Fred you're okay with that?

Fred Felman: So you're thinking like at the beginning just underneath it or where're you thinking?

Greg Aaron: Somewhere up there near the definition, right, I haven't figured out exactly where to put it but it wouldn't be part of the definition.

Fred Felman: Let me - let me think about it a little bit. I want to actually discuss it with Faisal and, you know, we'll chat on the side really quickly about it.

Greg Aaron: Okay. Thank you. We'll come back to you in a few minutes then. Okay. Let's move on to the recommendations. And if memory serves correctly, we got through front running at least. Let's scroll down in the recommendations section.

What we basically ended up with on front running was we're not sure to the extent to which it was happening and we thought we should advise the Council to keep an eye on it basically.

So that moves us on, I think to gripe sites, is that correct? Okay. We have rec- Line 30 we have Recommendation Number 1. And we had recommendation UDRP should be revisited to determine what substantiated policy changes if any would be necessary to address any inconsistencies related to decision on gripe names and to provide for fast track and substantiate the procedural mechanisms in the case of the registration of deceptive domain names that mislead adults or children to objectionable sites.

We had three people who agreed with that. We had two who suggested a friendly amendment and we had two that disagreed. Friendly recommendations were from Mikey, you said I'd back off on this a bit incorporate our usual launch of PDP language, and Rod said if there's substantial interest in the community to do so. So, and he said I believe it's not likely to be seen as uncovered by the UDRP already.



Okay. And then we have an alternate view. I suggested we strike the recommendation because UDRP addresses it and making a carve out is problematic. James said I don't agree with the recommendations. It's infringement on free speech and so on.

So, anyway, looks like we - what we have here is we have two alternate views at least. We have one recommendation to go for a UD - a policy process and then an alternate view. The - it looks like the alternate view needs to be drafted and then that would show up in the poll.

James it looks like you and I are the ones who proposed the alternative so we just have to put that in some wording for the poll. So it looks like we should take that as an action item.

Any other notes on that first recommendation on gripe sites and deceptive names. Mikey?

Mikey O'Connor: This is Mikey. Thanks Greg. I would probably drop my suggestion. I sort of made that suggestion a bunch of times. And on this one I'm probably going to fall into the same camp that you and James are in. So I think you can remove my friendly amendment on this one.

Greg Aaron: Okay. Okay. So it sounds like we're down to - we've got two different views here. Okay. So we'll just put that alternate view into some wording that'll go in the poll.

Then there's a second recommendation which that registries, oh I'm sorry. Go ahead Rod.

Mikey O'Connor: You're on mute Rod.

Rod Rasmussen: Yes. I guess I - I mean is that better?

Mikey O'Connor: That's better.

Greg Aaron: We can hear you.

Rod Rasmussen: Okay. So I've got - I'm using Skype here and (Zapan) so got to open the right window. I was going to say that I'm kind of in the middle on that now. We should do something for sure or we should not do something at all. And right now, you know, if people really want to, we can take a look at this but I don't think there's much value in it because the UDRP pretty much covers this already.

So, you know, I don't know which side I could take. We're going to do black and white, so, but I just wanted to get that out there. I, you know, I, you know, if there's enough interest in anything, I mean, we, you know, people can launch our PDP to look at it.

I just don't see that there's any bear there when it comes to this issue. It's already pretty much covered. So, if you want to put me down for whatever camp that makes it sound like, I don't, you know, I don't care, just (put me).

Greg Aaron: Okay. Well, you take a look at it in the next poll. And if neither view expresses how you feel, then you could also express a third view.

Rod Rasmussen: Good.

Greg Aaron: Your feeling there it's already covered by UDRP?

Rod Rasmussen: Most likely, but I mean there's certainly a - you never know until you actually put it in black and white I guess. But, you know, I mean it's - we're talking about use of brand names, you know, in conjunction with a domain name registration that's pretty - sounds pretty familiar to me.

Greg Aaron: Okay. All right. Well let's go onto the second recommendation which is that registries should also consider developing internal best practices, best practice policies that would restrict the registration of offensive strings in order to mitigate the potential harm to consumers and children especially minors.

And we had some agreement and then we had, let's see, an alternate view.

((Crosstalk))

James Bladel: Hi Greg. This is James.

Greg Aaron: ...one disagree. Yes. Go ahead James.

James Bladel: Yes. I think that I may have dropped the ball on this question here. I read it differently in the first pass and thought it was essentially about registrars sharing a - developing and sharing best practices which currently is the sharing part that falls short.

So, you can just strike that friendly amendment or alternative view for the time being and I'll take another look at this question...

Greg Aaron: Okay.

James Bladel: ...because it looks like a non sequitur because it is, because I was reading a different meaning into this - into the recommendation the first time around.

Greg Aaron: Okay. All right. And then I proposed an alternate view so that would go - that alternate would go into the poll as well. Does anybody have any additional comments or notes about the second recommendation?

Faisal Shah: Hey this is Faisal. What is - I'm just looking for the alternate view.

Mikey O'Connor: Down another page. It's - if you roll down...

Greg Aaron: It's top of page 10.

Faisal Shah: Okay. Now did - so you're not saying that we can actually push for a best practice requirement on behalf of the registry. You're just saying that this is not the best forum for it?

Greg Aaron: I don't think it's relevant for the GNSO to get into the topic myself. So, that's the alternate view.

Faisal Shah: So, so your - the alternate view would be we should make any recommendations with regard to best practices for deceptive names.

Greg Aaron: No. I think that issue was settled many years ago in a practical sense. And I don't think ICANN's a good place to make recommendations regarding, you know, moral standards on objectionable names. So it's there in the response.

Okay. If no other questions, the next one is fake renewal notices. This section had several recommendations. And I think it needs some tighter focus. We have four, five, six, six recommendations on this topic.

I forget offhand, who drafted the recommendations?

Mikey O'Connor: This is Mikey. It was me.

Greg Aaron: Okay. Hi Mikey.

Mikey O'Connor: It's me. And if I could wrap a little context around this, I agree, this is way too many. And maybe what we ought to do - when I was writing the little write up, my thought was that we as a working group would just take a little straw poll and decide where to direct this. And, you know, we could do that right now actually.

I think the fundamental question is whether we want to - when I was writing this I was sort of summarizing a phone conversation that we had where we talked about all the different possible places we could direct this. And the fundamental question I think is whether to do that in which case I think we would just write one recommendation that says we suggest that the following places take up the following topics. Or we suggest that it stay in a single PDP in order to keep all those threads together. I think that's the fundamental choice here.

And then depending on whether we want to distribute this to relevant working groups or not, then we carry on from there.

So I think it collapses to a binary choice, one destination or many. And we could just choose right now on the call and then...

Greg Aaron: Okay.

((Crosstalk))

Mikey O'Connor: ...wrap ourselves...

Greg Aaron: Let me ask - let me ask this question. The issue of fake renewal notices, is it related to - what's the vector of the problem so to speak? Who's doing this? We agreed it was all - we all kind of felt it was abused. There were a number of problems with the practice.

But what's - how's it being delivered? Who's doing it? What is the thing that needs to be addressed most?

Mikey O'Connor: This is Mikey again. Let me dive in on that. I think the main thing is that underneath all of these notices, somewhere in that pile there's always a

registrar and there's always abuse of WHOIS in order to get the notices addressed.

And so, that's why at the end we wound up saying well maybe this is just a compliance issue and that we have all the policy that we need in order to address this and that we help recommend is that the compliance team just get a little bit more aggressive on squelching misbehavior.

And that's why there's that - I think it's the last one. It's 51, yes, the last one, 51 on the bottom of that list is the I think the outcome of that conversation.

Greg Aaron: Okay. And number 51 is refer to ICANN contract compliance for possible enforcement action. Okay. So that is - was crafted to use existing means to draw more attention to this issue and deal with it through some existing mechanisms.

Mikey O'Connor: Right.

Greg Aaron: Okay. So, there's that one. Now are there any of the six recommendations that you also feel are really important?

Mikey O'Connor: Are you aiming that at me or at the group?

Greg Aaron: Well let's begin with you because you've done a lot of thinking on the topic.

Mikey O'Connor: Well my two favorites are 48 which is keep it in a single place and 51. I don't know what happened to - oh I see how the numbering's working. And over time, my preface has started to swing towards 51, the notion of referring this to compliance.

I don't think that we really need any new policy here. I think we've got the policy. And we've have in almost every case that we were able to look at we've got a bad actor who's violating that policy.

And so rather than spend more time figuring out what the policy implications are, I think we could in fact just move on and say compliance you've got to take a harder look at this because in the case of all the current ones, there's a registrar that is minding WHOIS. I think they often work through byzantine complexity in terms of shell companies and so on and so forth. But at the heart of it there's always a registrar that's minding WHOIS and maybe what we ought to do is just let compliance go drop the hammer.

Greg Aaron: Um-hmm. I have a question there which is, is it always a registrar or is it a reseller?

Mikey O'Connor: Well.

((Crosstalk))

Greg Aaron: ...I ask?

Mikey O'Connor: Yes. I mean there's often several layers...

Greg Aaron: Hmm.

Mikey O'Connor: ...before you get to the registrar.

Greg Aaron: Right.

Mikey O'Connor: There's often - there was a fantastic picture that I came across later and I don't think included in the record of this where I think it was PIR - somebody was dealing with this and drew the flowchart of the organizations that were actually involved. And it was a whole solid page. It literally had something on the order of 50 or 60 different organizations that were passing information and messages back and forth. But at the core of it, there was a registrar.

Greg Aaron: Now I guess there - well there has to be a registrar because the reg- somebody is accepting those transfers.

Mikey O'Connor: Right.

Greg Aaron: I - it was funny because I got a - one of these expiration notices last week in the mail for a domain name. It was from domain registry of Canada which was one of those...

Mikey O'Connor: Yes.

Greg Aaron: ...companies that came up in our discussions. I guess they're a reseller.

Mikey O'Connor: Well yes. They're a reseller, but there's one registrar and now I'd have to go back and look at the document but we call it out in the document and Domain Registry of America and Domain Registry of Canada use that same registrar.

Greg Aaron: All right. So your recommendation is mainly centered around number 6.

Mikey O'Connor: Yes or 51 on the page. Yes.

Greg Allen: Okay. I saw James's hand go up and then Berry's after that, so over to you James.

James Bladel: Well actually I think I lowered it and then Berry popped up before me. So if he wants to go first he's welcome to.

Berry Cobb: No. Go ahead James.

James Bladel: Okay. So I think Greg touched on my concern a little bit with this is that I agree or I suspect that what Mikey described is precisely the case. But I'm a little concerned that we're - we may be making some assumptions here about things that we just don't know.



For example, you know, to say that it's always - there's always a registrar involved, ultimately yes there has to be a registrar involved in order for the transfer to take place. But can a bad actor or a fake renewal entity make it appear to that registrar that these are legitimate?

And there are other ways to mind WHOIS sites going through the registrar systems. For example, there are third party tools out there like - I don't want to name them but I think there are some subscription services that you can use for domain research as well.

So, I think that - I think what I'm getting is a little more complex than just a compliance issue and I think that we need to recommend that this be explored a little more in depth to challenge some of those assumptions and make sure that we've cast a wide enough net that we capture all the hats or vectors that this abuse could occur through.

Does that make any sense Mikey?

Mikey O'Connor: Yes. I'm fine with that.

James Bladel: Yes because I think and I suspect that the way you've described it is probably the bulk of the occurrences. But I want to make sure that we're examining all the alternative methods because I think there are some that would not necessarily be caught up by compliance.

Mikey O'Connor: This is Mikey again. Let me just jump in. You know, one other advantage of doing that is that we could focus a lot of attention on the issue, do a lot of educating of people about it, etcetera, etcetera. And, you know, any time ICANN picks up something in a PDP, that generates a lot of attention on an issue just by itself. And that daylight and that sunlight might be a good thing.

Greg Aaron: Okay. Berry why don't you go ahead?

Berry Cobb: All right thanks Greg. This is Berry. Yes. I just kind of following up on what James was saying. I'd agree that there's a very high possibility and that, you know, some of these bad actors definitely aren't registrars. And I don't know that compliance would be good enough scope to really try to fix the problem.

And even so, I would question whether compliance has full authority to try to track some of these things down. I don't recall seeing in any of the contracts that they aren't allowed to send fake renewal notices and that kind of stuff. So I'm not sure how much compliance has already tried to track this sound and by what authority they do, but regardless, and again just reiterating James's point, there's definitely other bad actors there that are beyond the registrar that we need to somehow try to circumvent the problem.

So, I would definitely, you know, if we put up two recommendations, one do a PDP, the second just do it the compliance I would be leaning towards the PDP to, you know, to try to get down to the root of this. Thank you.

James Bladel: Yes. And this is James again. And I think Berry said it much better than I did. If we can consider the compliance route to go after the low hanging fruit which is the bad acting registrars, but I think we still need some sort of a PDP to take a look at the other routes that this abuse could take.

Greg Aaron: Okay.

Mikey O'Connor: This is Mikey then. Maybe we just invented a new thing right here. And that is maybe we put both in to the recommendation. One recommendation just like James just said which includes compliance for the low hanging fruit and PDP for the complicated stuff. How about that approach?

Berry Cobb: I'll buy that for (noah).

Greg Aaron: Any other thoughts? The proposal would be for two recommendations, one of which is compliance route and the second would be for I guess formal wording would be to request an issues report etcetera, etcetera, but basically policy path.

Berry Cobb: I guess really a third based on what Mikey said is a hybrid approach.

James Bladel: Hi Greg this is James.

Greg Aaron: Yes.

James Bladel: Yes. I think we can combine those into a, you know, a hybrid or a single recommendation to say something like we're, you know, we'd like to call for a issues report to study this problem and determine whether or not a PDP could be used to address, you know, to interdict some of the necessary systems that are required for this abuse to occur.

And, you know, as a follow on sentence, and direct ICANN compliance wherever - whatever scenarios might involve an accredited registrar actually participating in this.

Greg Aaron: Okay. So, would that - would you like that to happen regardless of whether a PDP happens or because I'm wondering should it be one - can we combine it or should it be two?

Mikey O'Connor: This is Mikey. You know, it seems like our intent might in fact be better served by having two so that if one thing gets stalled, the other can still proceed. So I think I'm going to back out of that driveway and stick to two. I like the idea of two things, especially if we support both recommendations pretty strong as a working group. I think it carries the same weight.

But what it means is that compliance could get out of the blocks quicker on cases where there is already clearly a registrar that's outside the balance.

And they wouldn't have to wait until the end of the PDP in order to start initiating compliance stuff.

Greg Aaron: Okay. So, this is Greg. To summarize, the first recommendation would be coming out of number 6 which would be the compliance. We asked the ICANN Compliance Department - see what's the recommendation - examine the exist - something like examine the - well actually what should it say? We should - we need to draft this here.

It would be - we would ask the GNSO Council to do what, to draft the ICANN Compliance Department...

Mikey O'Connor: This is Mikey expressing...

Greg Aaron: ...to do what?

((Crosstalk))

Mikey O'Connor: ...pride of ownership. I actually kind of like the way we've got it right now, just refer it to them for possible enforcement action and let them bounce off of that. And then if they come back and say well we don't have the tools we need in order to enforce, that could feed the PDP.

If they feel like they have the tools they need, they could just go ahead and proceed and we wouldn't have to express in any detail how they do that. They would just do it.

So I think Recommendation 51 would stand and so could - I think 48 needs to get reworded because 48 is sort of depending on the ones up above it. But that would be the refer to a PDP one.

Greg Aaron: Okay. In keeping with our - some of our previous language, it would be - we would recommend that the GNSO Council commission an issues report.

Mikey O'Connor: Yes.

Greg Aaron: We can use the language that Marika and others have provided for us. But an issues report - on the - and then how should it be worded on the issue of fake renewal notices?

Mikey O'Connor: Yes. That's a good start. It turns out that all of these recommendations refer up into the body of the document. And if you want, I'd be happy to take a crack at a draft. Okay?

Greg Aaron: Okay. Mikey we will need that from you today.

Mikey O'Connor: Yes that's fine. Marika how fast does the MP3s come out?

Marika Konings: I think it normally comes out later in the day. Glen can you confirm when you'll be able to send out the MP3 later today?

Mikey O'Connor: Glen's multitasking.

Marika Konings: Yes. I'll check off line then with Glen but I think normally you'd send out later the same day and I'll try to see if it can be done for this one as well.

Mikey O'Connor: Actually as I think about it, I don't even need the MP3 for this. I just need to get the document open and pull some language out of it. I can...

((Crosstalk))

Greg Aaron: Okay.

Mikey O'Connor: ...that great from.

Greg Aaron: Okay. So that would get us to our two recommendations on fake renewal notices. Okay. Any last thoughts before we move on from this topic? Okay hearing none, let's move on then. And thank you Mikey. You have the action item on that today.

Next item is the main kiting. The recommendation was refine the definitions based on the battery condition - actually we had a lot of recommendations on this one. We had four, five, five. So again we may need to be a little more focused here and on our recommendations.

That's my...

Mikey O'Connor: You know, this is another one of mine. Do you see a pattern here? I'm going to learn how to write my subgroup chunks better. That's for sure. Let me take a - let me take a crack at that one. I can compress it down I think. I think it compresses to one really.

Greg Aaron: Okay. And what do you think that is Mikey?

Mikey O'Connor: You know, I would be - in a way this summarizes in the following way. Domain kiting is basically a definitional confusion that was I don't think ever actually proven to exist. And so, I'd be happy with a no recommendation at this time kind of recommendation. You know, no policy action required.

And this list is again a bunch of things that I sort of thought up. But, you know, it's pretty much...

Greg Aaron: This is Greg. And to go back to the definitional work, kiting is the issue where you register domain names then you delete it in the add grace period then you pick it up again and again and again so you can get a free domain name for a long time without paying for it.

Mikey O'Connor: Right. This is...

Greg Aaron: It's theoretically possible but we don't know if anyone's really doing it or if it's a real issue that needs further work which is what I said. The other observation I had made was if you're deleting that domain over and over again, one, you could lose it because somebody else can catch it, and then the other issue is we now have the excess deletions policy in place.

And if you're doing this on a scale, it would seem to get noticed because the registrar would end up having to pay for all of those registrations at some point. They cross their thresholds for excess deletes.

Mikey O'Connor: Right. Now...

Greg Aaron: This...

Mikey O'Connor: ...you know, maybe what we do is we sort of take all that, smash it into one summary recommendation at the bottom. I - these - this recommendation makes more sense if you've read the background material. But, you know, what we wound up discovering is that this is really a nonevent.

And Fred, this is not to be confused with domain tasting. In the background document, domain tasting and domain kiting are different animals. And so maybe the fact that Fred is posting this stuff to the chat means that we do need a recommendation to clarify these definitions.

Greg Aaron: Well let's go to James because he raised his hand and then we'll go to Fred.

James Bladel: Hi Greg. This is James. And I was just going to point out some of the things Fred was raising in chat, if we could go into those as well. But I think at a minimum Mikey, we want a recommendation in here just because I believe that if nothing else, this group is making the first effort to formally distinguish the difference between kiting and tasting. And I think that that's something that we don't want to lose.

Mikey O'Connor: Yes I get that.

Greg Aaron: Okay.

James Bladel: But - and I would be curious as to - if Fred can, you know, fill us in on the case that he was mentioning.

Fred Felman: Yes. It was Belgian Domains, Capitol Domains and Domain Doorman. And it was Verizon I believe as well as Microsoft. And I think two other firms actually sued them for the practice of actually switching domain names from one registrar to another.

So I mean my point is at least we should be accurate. So really there's a documented case that actually was won. And I think they actually shot a few of those registrars as a result of that case and that was what precipitated one Google stopping to take advertising on the pages which actually precipitated the decline in kiting as a practice, and then the later action by ICANN which then pretty much killed the practice the excess deletion which Greg you referred to.

So at least we should be accurate. Domain kiting is - was a practice. It was actually practiced in scale. And we should be accurate if we have to make recommendations.

Greg Aaron: Well that - actually I think we have a definitional problem. I think we're using two different definitions. Kiting is registering the same name over and over and over again adding and deleting it within the add grace period.

Tasting is something else. You know, Fred when you're talking about Verizon, were you talking about the online (Mick) case?



Fred Felman: No. I believe, and then Margie may remember, I think she's on the call, but I think it was Belgian Domains, Capitol Domains and Domain Doorman was the case. And I believe the plaintiff was Verizon but I may be mistaken.

And this was a case of them rotating. So it was serial tasting and then transferring to their sort of domain registrars in the same family of registrars within five day grace period.

Greg Aaron: Okay. So that was - that sounds to me like tasting but not kiting.

Fred Felman: Right. It was ta- it was serially tasting and then moving so they were tasting over and over again using the same domain names and hopping from registrar to registrar therefore extending the practice which - the practice of tasting over the five day grace period which I would call kiting, but maybe you guys have a different definition of it.

Mikey O'Connor: Fred do you have a link to that case because I'd like to read that. That might actually be the...

Fred Felman: Yes. I'm going to try and find it. And I know that Margie and I - when Margie - when I first joined the company, this was the case that was judged I believe very early on in my tenure at MarkMonitor. Maybe she knows...

Margie Milam: This - yes, this is Margie. I can send a link around. Yes. As I recall it had to do with changing registrars and adding dropping, adding dropping, but it was also related registrars which made it easier to gain. But if you think about - if you know you're deleting a name and then you pick it up immediately because you know you're deleting it. But I'll find the information and send it to the list but.

Greg Aaron: Yes. This is Greg. I think what you're referring to is Belgian Domains and Domain Doorman were commonly controlled. They were run by the same

people. So there were separate accreditations but for all intents and purposes all sharing common control. Right?

Margie Milam: Right.

Greg Aaron: Yes. They - and they dropped off the face of the earth after the excess deletions policy came into effect if not before I guess.

Mikey O'Connor: So this is Mikey though. If in fact, I mean what kiting is is the repeated registration of the same name inside of add grace in order to essentially get a domain name for free. And in the case of this one, perhaps evade the trademark holder. But leave that aside for the moment.

If - what we were concluding in our work in that subgroup was that kiting serially registering the same name in the add grace period was awfully hard to substantiate. And so if we've got an actual lawsuit that was won that substantiates it, that would be an important addition to our record.

And yes...

Greg Aaron: It's...

Mikey O'Connor: And then...

Greg Aaron: It's interesting. This is Greg. It's interesting. It predates the excess deletions policy which kind of change the landscape a bit. That's - for me that's one of the big questions is whether that policy kind of changed the mechanics of what might be happening out there currently.

Mikey O'Connor: But then I think all these recommendations start to work again because if in fact there was - it was actually going on, we don't really have the basis to decide whether it's still going on. We would really need to ask the questions that we've got in these little series of recommendations to confirm it because

where I was coming from when I wrote all this was that kiting was sort of a confusion that got kind of emblazoned in a Web post I think by Bob Parsons and then it kind of got carried on in the community, but then in fact really happen much.

And we did a little registry work I think in your registries Greg and couldn't find it. But maybe it is out there. If there's a real live lawsuit that they were proven to do, then I think it's worth at least taking a look at. I'm not sure it's the highest of high priorities for the GNSO policy machine but I think it's worth a look.

Fred Felman: So guys my point was not necessarily that it's still a problem but the fact that we should be accurate.

Mikey O'Connor: Yes. And in a minimum, I'll extract something from that link that work it into the body section.

Greg Aaron: Okay. So back to our recommendations. What should we - what should we do?

Mikey O'Connor: This is Mikey again. What if - what if we turned all these into one? I think part of the problem is the fact that they're always separate recommendations. What if I took a try at smashing these into one recommendation with a series of little bullets underneath it rather than having them all separate? I don't know, maybe we just vote them up or down.

Greg Aaron: So what is the recommendation going to be? We have to put something down on paper today of one or more recommendations. What is the recommendations or recommendation.

Mikey O'Connor: Well one way - maybe the easiest way to approach this is we have pretty wide agreement on these and we just leave them the way they are. We have

70% agreement on almost all of them. James we've got a friendly amendment on.

Greg Aaron: Okay. Should we run through all six?

Mikey O'Connor: Yes.

Greg Aaron: All right. One, refine the definitions of tasting and kiting based on the discussion and define boundary conditions above. I would suggest that our text as it will be tweaked today does a pretty good job of def- distinguishing between tasting and kiting. Do we need this definition - additional definitional work as a recommendation and what would the Council do with it?

Mikey O'Connor: This is Mikey. I think what we were trying to do he- with this recommendation was rather than refine them, just promulgate them, get them published somewhere. And I'm not sure that we need to do a whole lot - I wouldn't send people off to work to do much more refining because I agree, I think we did a pretty good job on the paper. So what if we just said publish these definitions of tasting and kiting period?

Greg Aaron: Mikey this is Greg. Isn't the definitional work up to us really?

Mikey O'Connor: Yes, but...

((Crosstalk))

Greg Aaron: Is that a...

Mikey O'Connor: ...once done, then, you know, the only thing we need to do is get them pushed out into the light of day. That's the intent whereas the way...

Greg Aaron: Isn't that the...

Mikey O'Connor: ...it's written right now, it's saying do further refinement. I don't think we really need much further refinement. I think the definitions are pretty good.

Greg Aaron: Recommendation 2 is incorporate these definitions in a review or refinement of excess delete policy and data collection or data reporting efforts.

Mikey O'Connor: And that one I think stands. That's why we need the first one. We need to publish them first so that then they can be incorporated.

Greg Aaron: Well in - we are publishing the definitions in our paper.

Mikey O'Connor: Yes. And I won't go to war over this. It just seems like a...

Greg Aaron: I'm just trying to figure out what the - I'm just trying to figure out the utility Mikey. That's all.

Mikey O'Connor: Yes.

Greg Aaron: So what is Recommendation 2 actually call on the Council to do?

Mikey O'Connor: I think that what it's saying is if the Council takes up excess deletes or any kind of data reporting or anything having to do with tasting or kiting, primarily it'll be tasting. Because that's the focus of all the policy work, that those reporting - those efforts just take these two definitions into account and perhaps start to develop some data.

So it's sort of a letter forward in time to the people doing that work saying hey there's two different things really going here people. Make sure that you record that distinction and then to the extent that you can collect data about it please do.

Greg Aaron: Okay. Recommendation 3, alert ICANN staff to the possibility of kiting as a possible abuse of the add grace period. To me this one doesn't work because

it's already captured and counted in your excess deletions. And kiting is in general not a good thing. So there's a policy that already impacts kiting I guess.

I can't remember - I have no idea if when they were discussing the excess deletes policy if kiting came up. Does anybody know? Nobody knows? For...

((Crosstalk))

Faisal Shah: Hey Greg this is Faisal. I'm just wondering - I mean it seems to me that this is kind of a no-brainer just to let them know that we've considered it and we do wanted to alert - we do want to alert ICANN to the issue of kiting as a possible abuse. I'm not sure it takes away anything from us providing that as a recommendation.

Greg Aaron: Okay. Are you proposing that is the sole recommendation for - relating to kiting or one among several?

Faisal Shah: Yes. So I would - I mean I think if, you know, what I would say is maybe we - we're seeing that it's not - maybe it's not an issue now, but we do alert them to the issue of kiting as a problem and as possible abuse. And then we continue to monitor the situation on an ongoing, you know, going forward. And that would be the recommendation really.

Greg Aaron: Okay. So in some ways, that recommendation wouldn't be - it would be similar to what we came up with on front running.

Faisal Shah: Yes. That's right.

Greg Aaron: Okay. Okay. So we have a proposal for basically one recommendation, maybe using some of that front running language which basically said we want a - it's an abuse. We are not sure the extent to which it happens. We want to alert people to the possibility and monitor it. Okay.

Let me have a show of hands if that idea for one recommendation is interesting to you or not. So if you like the idea of one recommendation along those lines, please indicate with a check.

Man: Oops, oops, oops, oops, (unintelligible).

Greg Aaron: Okay. I see checks from Greg, Berry, Faisal, Fred, James, Martin and Berry and Rod. Okay and then Mikey? All right. So that sounds like the way we would go.

I'm happy to volunteer to take the front running language and adapt it if that makes sense. Any objections? Okay.

Okay great. Any thoughts on the kiting? Final thoughts on the kiting. Okay. If none we will move on to malicious use of domain names. The recommendation was for best practices. The language is on screen.

There is a high level of agreement with it. There was one rec- friendly recommendation from Rod which was to drop non-binding as by definition best practices are non-binding. ICANN should survey registrars and registries regularly to determine types of best practices being used and their adoption rates by the community.

Okay. And Rod I added non-binding in there because I looked up best practice on Wikipedia which of course is fairly accurate but not always accurate. And it actually said that best practices are sometimes binding and sometimes not depending on who you're asking. So that's why I put it in. I didn't think it would hurt.

And then you had a recommendation for ICANN should survey registrars and registries regularly. Would that be part of the process or does that need to be part of the recommendation? How do you feel?

Rod Rasmussen: Well, I guess both, right. And that the - you can't really figure out if people are - well, you know, so I would say it's part of the recommendation given that you have - if you're going to create a way of sharing and using best practices, you ought to see if it's actually having any effect whatsoever.

Greg Aaron: Oh you mean after - so that's for after you write the best practices. You then poll to see how they're doing or do you poll during the creation of best practices?

Rod Rasmussen: Well I would hope that while you're - when you're creating best practices, you're actually asking the people who were practicing how they're - how they do it the best. That's a good enough...

((Crosstalk))

Greg Aaron: Yes. I - which I think is a given, yes.

Rod Rasmussen: Yes. Okay. So and then from there it's okay you've got this mechanism for getting the word out. It's like anything else, we want to see how effective that program is. So, making sure there's some sort of regular survey or audit or whatever you want to call it to see that people can act as if they're - are putting things in place.

I think it's important to see if best practices are being used across the entire spectrum and at what rate because you may find that well, it doesn't work for people so it's not really a best practice or you need to refine it or what have you. So unless you're asking people are you implementing these things, you're not going to get that information to refine things.

Greg Aaron: Um-hmm. Okay. Okay. So, proposal is to insert Rod's note about surveying registrars and registries. I mean I'm totally fine with that. Is there any objection?



And by - I'm not hearing any. By the way it was interesting, Rod Beckstrom was speaking in DC last week about these kinds of issues. And he said ICANN is going to be supporting the creation of best practices. And not in - not any - not on any particular subject but he said it was something ICANN wanted to do. So that was interesting.

Rod Rasmussen: I thought of it first.

Mikey O'Connor: Yes. We need credit dang nab it.

Rod Rasmussen: It's the other Rod.

Greg Aaron: Yes. Okay. All right. All right. So it sounds like we have agreement to add that piece from Rod. And in general everyone agreed with the recommendation. So I think we're good to go on that one. Any last thoughts?

Rod Rasmussen: Just a little bit on binding versus non-binding. You know, if there's a question out there as to what kind and adding the, you know, the specificity or however you say it, I'm sorry, 1:00 am for me. Of that, it's fine. I'm not - it's just the binary thing.

Greg Aaron: Okay. Thank you. And then by the way, there is a second recommendation which is about stolen credentials. But that's been moved into Recommendation 1, but think Recommendation 2 goes away. Is that correct?

Rod I think the second recommendation about stolen credentials was your proposal. Is it sufficiently covered now in Recommendation 1?

Rod Rasmussen: I'm looking.

Mikey O'Connor: This is Mikey. I think the key thing that may need to get inserted is the liability limitation thing. Certainly the topic is in there.

Greg Aaron: Let's see. The text that - is there a potential for liability limitation for registrars versus registrants versus resellers? Could you elaborate on the - that piece? What exactly does it mean? I guess that question's directed to Rod.

Rod Rasmussen: Oh I'm sorry. I was trying to make sure - so I'm sorry, repeat the question again there Greg.

Greg Aaron: Yes. No problem. There was a bit that said is there a potential for liability limitation for registrar - registrants versus registrars versus resellers. And I was asking what does that mean?

Rod Rasmussen: Well this is in reference to the codifying registrant rights and responsible for account access. And this gets to kind of the issue surrounding whose liable for keeping security of access credentials. And (unintelligible) got an open question was that right now currently we got by due - assuming register dot com. After register got - after (bider) dot com got hijacked, the registered dot coms interface, you know, with stolen credentials.

That's a multi, you know, I don't know how many moons or (bleams) about our sad loss seems to be. So it would seem to be a good idea to create some, you know, carve out without the liabilities etcetera and who bears them and make sure that's clear.

I - that's just a practical example. It might already be there as far as the data - the contracts are written, the registrant contracts by the registrant agreements from the registrars. But I, you know, that almost goes to, you know, formatting of contracts issue I guess.

But there's also this kind of a, you know, standard idea of, you know, what - at least what level do we provide kind of (benefenication) regime. We're keeping, you know, your access to your management or whatever you have to control your domain name because I...

((Crosstalk))

Greg Aaron: Would...

Rod Rasmussen: So, you know, I don't know. There's some really good...

Greg Aaron: Would that be...

Rod Rasmussen: Go ahead.

Greg Aaron: All right. So would that be covered if in Recommendation 1 we say the best practices should cover the, you know, it says should we con- the effort should consider but not be limited to the subjects. Practices for identifying stolen credentials, creating...

((Crosstalk))

Rod Rasmussen: Yes I mean...

Greg Aaron: ...service.

Rod Rasmussen: ...it's pretty much covered there. And the second recommendation kind of - that part - these got pulled out of that other document, you know, that other piece of work. So it's kind of, you know, you could pretty much combine them I would guess since we're talking about best practices in general.

The only, you know, this minimum - the idea of minimum standards and definition of liability is - you can see that as being somewhat stronger than just best practices though.

I'm not, you know, at this point I'm not really the - it doesn't really matter than much, but it might matter to some, especially if you want to help define, you know, what - who's responsible for what in situations like I just mentioned.

Greg Aaron: Well what we could do is we could add to the list of topics in Recommendation Number 1 to add account access security management. Would that cover it? Because then there would be a conversation in that group specifically about best practices for account access, what do you put in your, you know, register commitment.

Rod Rasmussen: Yes. Yes. I, you know, yes, given this - (predicate) this kind of behavior...

Greg Aaron: That kind of thing.

Rod Rasmussen: ...of getting another group looking at that. So yes, I would say if you put that in there specifically then it'll probably cover what you're - what we're looking for here.

Greg Aaron: Okay. So the proposal then is we go with Recommendation Number 1. We insert Rod's text about surveying registrars and registries and we add the subject of account access security management. So is that something we can all go with? Okay. I'm not hearing any disagreement.

So that would be Recommendation Number 1. Recommendation 2 is thereby folded in. Okay.

Okay. And Recommendation 3 too, pictures about stolen credentials. That would move us onto WHOIS access. There was complete agreement on this one and no amendments or alternates. So does anyone else have any notes about the WHOIS access recommendation? All right. Hearing none I guess we can move on.

The second recommendation was for the GNSO to request that the ICANN Compliance Department publish more data about WHOIS accessibility at least on an annual basis that should include A, the number of registrars showing a pattern of restricting access to the report 43 WHOIS servers and B, the results of an annual compliance audit of compliance with the contractual WHOIS access obligations.

There were two friendly recommendations. One was from James who said the study must balance accessibility of WHOIS versus reasonable means implemented by registrars to prevent data mining and abuse of WHOIS systems.

And then Rod said compliance report should also be on Web WHOIS services as well. Rod I would suggest that yours is covered because the Web-based WHOIS is a contractual obligation unless you want to say something like compliance with all WHOIS contractual obligations. Should we maybe add the word all for example?

Rod Rasmussen: Yes.

Greg Aaron: Okay. And then James, do you want to speak about your suggestion?

James Bladel: Sure Greg. This is James speaking. And I'd just like to - I mean I support this recommendation but I would like to see some consideration given to the idea that WHOIS abuse is a problem and we want to make sure that the methods and mechanisms that registrars have implemented is not swept up by any sort of over-generalized definition of universal access.

And by that I mean for example if a Web user has to enter a catch ya for example, for each WHOIS request or if a port 43 system is throttled so that it only allows a certain IP address to make a limited number of requests per hour or per day.

I think that there should be some recognition that there are reasonable restrictions in place to prevent an automated or a scripted abuse of WHOIS and that that shouldn't be caught up in any type of a definition of access for, you know, for ICANN compliance. Because we're, you know, as registrars we're trying to balance a line here.

We want to make the information available. We're contractually obligated to do so. But we don't want to make it a free for all for bad guys..

Greg Aaron: All right. I have a secret to share. This is Greg. Do you know that ICANN limits its WHOIS access on Internet dot org? Even they do it. I think what our text says, our background section says that rate limiting can be a very legitimate thing to do for some of these reasons. It prevents mining of the data. And we have a footnote to an SSAK look at that issue.

And or, you know, you don't want people overloading or de-dosing your WHOIS servers basically. To address your concerns, how can we change Recommendation 2?

I guess - I think in Recommendation 1, they're probably going to look at that issue. In Recommendation 2, what should we say maybe to address your concern?

Man: One second while I scroll back to Recommendation 1. And by the way, I have another funny story to share where we were accepting a transfer from another registrar (where we) work lots. They were blocking Who Is requests. In fact, the WHOIS server didn't resolve at all.

I contacted ICANN compliance on that and they said, we'll, it's no problem. They are probably just doing that since you are another registrar and they were detecting that that request was coming from Go Daddy and, you know, it happens all the time. And that was all they were going to do about it.

What they weren't aware of is that I was doing it from my home machine because I'm a remote employee. (So) that was a clear case where no, this was not a reasonable mechanism to prevent abuse. This was a, you know, completely unfamiliar network making a singular request. It was also being blocked, so.

I think that what we need here is a recommendation to - it really could be done very, very diplomatically by inserting a word where it says the data should include the number of registrars that show a pattern of unreasonable restricting - restrictions access to their Port 43 servers.

And then, you know, if we want to further define unreasonable to be access that would be used in normal course of operations or in - or for typical inquiries. But, you know, stopping short of any attempt to gather or (mind fault) who is - bulk registration information from the WHOIS system.

Greg Aaron: Okay. This is great. So it might say a pattern of unreasonable restriction of access to their Port 43 servers. And then there's the question of what is unreasonable. Should we - should we - should we leave - should we just say unreasonable or do we also need to define unreasonable?

Man: Well that was my attempt at defining unreasonable would be a sentence that said the - maybe by defining unreasonable, the best way to do that is to flesh out what it means to have reasonable restrictions on who has access such as requiring Web users to complete a (captcha) and rate limiting request for Port 43.

Greg Aaron: Yeah. That's an interesting question which I think would be more fully explored coming out of Recommendation Number 1 because then people will have to get into the details of what - figuring out what people are actually doing in their limitations. But I see the - I see the dilemma though.

Faisal Shah: Hey Greg, this is Faisal. I'm just thinking that putting unreasonable might be sufficient as opposed to trying to create a whole definition around it. It could be - it could get pretty expensive and I'm not sure that - I'm not sure what it - what it accomplishes.

Greg Aaron: Okay. I'm thinking back also to the material that the compliance department sent to us coming out of our requests. And in general what they said was when - we do see people restricting access. Sometimes it's just rate limiting and they didn't say much more than that.

They said sometimes people are restricting access from certain IPs and we get complaints about that and sometimes we go to the registrars and tell them that there's a problem and they resolve it. Sometimes it's misunderstandings or whatever, although James you also offered a counter example where that, you know, didn't happen.

I don't know how to - I don't know how to define unreasonable right now.

James Bladel: Yeah. I agree with - this James. I agree with Faisal. It's just, you know, adding reasonable to, you know, the rate limiting.

Greg Aaron: Okay.

Faisal Shah: Yeah.

Greg Aaron: And my assumption is if they write a report, they're always pretty scrupulous about the telling people what they actually mean. So if they - if they do find something unreasonable, they'll probably tell us specifically what it was.

That data then gets fed into whoever's working - coming out of Recommendation Number 1. And that becomes fodder for further examination and study. So it might not be a bad thing.



So we - our proposal is to modify it so it reads a pattern of unreasonable restriction of access. It sounds like that works for James. It works for Faisal. Any other thoughts? Okay. Let's go with that then if that's okay.

We are now at 11:30. And I suggest that we take a 10-minute break and reconvene at 40 after. So we'll just leave the bridge open and the next topic will be uniformity of contracts. Okay?

Man: Sounds good.

Greg Aaron: All rightie. I'm going to go on mute for a second. And we'll come back in 10 minutes. Thank you everyone.

Hey Berry, are you online? This is Greg.

Berry Cobb: Yeah. I'm still here Greg.

Greg Aaron: Okay. You had sent some notes to Marika...

Berry Cobb: Right.

Greg Aaron: ...on the evening of the 28th. Have those notes gone up to the membership so everyone can reference them?

Berry Cobb: Well depends which set you're referring to. If you're talking about the line item one, that was sent to the list. But again, the line numbers that I put in there didn't match up with the latest version Marika had released. So I'd have to redo those line numbers.

And, as I mentioned earlier, some of the major formatting changes would have messed all of that up again. So I wanted to get agreement about the major formatting changes and then get back down to the detailed level when the line items start to - or the line numbers start to match up.

Greg Aaron: Okay. The last post of yours I see on the group list was on the 26th. It was called RAPWG Final Report Comments.

Berry Cobb: Right.

Glen de Saint Géry: Sorry Greg. This is Glen. Do you want this recorded?

Greg Aaron: Yes. Good. I didn't know we had stopped.

Glen de Saint Géry: Okay. Not, because the operator just asked me - it said that there isn't a blank on the recording.

Greg Aaron: Oh, okay. Yeah let's just...

((Crosstalk))

Glen de Saint Géry: (Virginia). (Virginia), are you there?

Coordinator: Sorry - (yeah, yeah, yeah, yeah, yeah).

Glen de Saint Géry: The recording is - must be on again please. Thank you.

Coordinator: Okay. (Unintelligible) now, 1639 (unintelligible) time. You can go ahead and I'll restart (the edit), just a little bit between. So please go ahead. Thank you.

Greg Aaron: Okay. So Berry, should we - should we discuss your notes that you sent up to the list on January 26?

Berry Cobb: That list is part of what I would like to discuss but what - there was also another email that wasn't sent to the list which was just between Marika and myself and then you were copied on the response which those four lines items were the bigger things first.

Greg Aaron: Okay. If you want to discuss the things you sent to Marika, can - you want to just send that up to the list - that list of things?

Berry Cobb: Well, I can yes. Like I mentioned, the four major items I would have updated in the latest document. But with the tracked changes on there, it really messes things up. I can't tell the formatting looks like and that kind of stuff. So we...

Greg Aaron: Right.

Berry Cobb: ...need to get to a point that we can turn off the tracked changes once they're accepted, make these big formatting changes moving these big chunks of data around and screen captures. And then once we get that written in stone, that'll reset the line numbers and then yes, there are more detailed things that I would like - I was hoping to discuss with the group but we can discuss it offline.

And, like I said, once we get those renumbered - the line numbers relined up or adjusted, then I'll go back and adjust my comments that were made out on the list and we can discuss it there and obtain agreement as to whether those edits should be made or not.

Greg Aaron: Okay. Yeah. I'm not - why don't we do this? Why don't we - because we're going to talk about uniformity of contracts next. Why don't we look at the recommendations? And then when we're - when we're done looking at the recommendations, why don't you tell us the substantive changes that you - that you want to see.

I mean just moving text from the annex into the body of such a substantive change I guess, you know.

Berry Cobb: Right. Yeah. I can review the four big ones. We'll be able to blow through those pretty quick. I don't expect any dissent. And then we can - then Marika can make those changes. And then when she sends out her updated version, then the more detailed line item changes I have I'll do on the list.

Greg Aaron: Okay. Well, and let's walk through those if we have a chance. I want to...

Berry Cobb: Sure.

Greg Aaron: I want to see if folks have any questions about them. All right.

Berry Cobb: Okay.

Greg Aaron: All right. It's 42 past. Do we have everybody back on the call?

((Crosstalk))

(Mike): This is (Mike). I'm not here yet.

Greg Aaron: You're not here.

((Crosstalk))

Greg Aaron: Okay. Mikey's not here. Neither is Greg

((Crosstalk))

(Jason): This is (Jason) getting back to the Adobe but I'm listening.

Greg Aaron: Okay.

Rod Rasmussen: I'm still here.

Greg Aaron: Rod's here. Okay.

Glen de Saint G ry: Fred's disconnected.

Greg Aaron: Yeah. Fred had to leave. But Faisal's on.

Faisal Shah: Yeah.

Greg Aaron: And we have Margie and Marika and Glen. Okay. Pick up with uniformity of contracts. The recommendation was the RAP recommends the creation of an issues report to evaluate whether a minimum baseline of registration abuse provisions should be created for all in scope ICANN agreements. And if created, how such language would be structured to address the most common forms of registration abuse.

There were some of us in favor. There were the friendly amendments from James. And he said provisions should not be overly prescriptive but should instead describe required services, facilities, procedures and contacts. See SSAC 38 and SSAC 40 papers.

And then there was - there was one disagreement and that was from me. My suggestion was to make no recommendation. My reasoning was as follows. The recommendation is very vague. And we're not stating what problem we're trying - any problems we're trying to solve. We're just going into another very complex hunt for things to do I think.

My reasoning was that if you want uniformity on a particular topic, if there's a real - if there's a specific problem we want to try to solve, one way to do it is through a consensus policy, which guarantees uniformity amongst all the parties.

I think we ought to be addressing specific problems. The recommendation is to go out and look for problems and do something, which is very vague. I

think you have to understand abuse first and then you talk about how to address it.

I think in a lot of ways the existing contracts are uniform in important ways and since the RAAs are uniform pretty much. And in some cases uniformity is not necessarily a goal because some parties need to have different provisions in their contracts and I gave the example of an sTLD.

So let's open it up for discussion. In this recommendation we're evaluating whether a minimum baseline of registration abuse provisions would be created. What would such a thing be? That's my question.

((Crosstalk))

Greg Aaron: Is such a thing even possible?

Berry Cobb: This is - this is Berry. I guess first and foremost is it's not up for us to decide what they should be. We came to - I thought our whole recommendation was structured around the fact that if we were to initiate a (histories) report in PDP that we wouldn't state what some of the solutions may be.

So I don't think here within a pre-PDP we should be answering the question of what that would look like or not. I tried doing that originally with the - what I term the APB, the abuse provision baseline, which is one of the things that I would recommend that we strike.

But nonetheless, I was under the impression that it wasn't within our charter to define what solutions would necessarily be and that's why we put the specific language as to evaluate whether a minimum baseline should be implemented or not to begin with. And then if they did come up with it, you know, what would that look like? And that was for the PDP to decide, not us, since we're pre-PDP.

Greg Aaron: And some of - some of my concerns do arise actually out of the charter. I mean we were asked to identify which aspects of abuse need to be looked at. And we were - we were asked to understand if there are registration abuses that are occurring that might be curtailed or better addressed but if consistent registration abuse policies are established.

And I think what we have here is a recommendation to have a uniform policy that doesn't say what it's meant to address. In other words, there's not a problem state that needs to be solved. I think it's a solution in search of a problem.

Berry Cobb: So in - this is Berry. So in general, you're taking a position that you don't think that there is significant enough dispersion across the varying contracts to warrant any kind of issues report or PDP. So you're - I guess ultimately you're refuting the fact that there is a lack of uniformity out there. Correct?

Greg Aaron: I don't think - yeah. What I'm saying is lack of uniformity is not in and of itself the problem. I think that if you have an abuse, you need to define what that abuse is and then tailor a policy or policies to deal with it.

Uniformity for the sake of uniformity is not a goal. I think the goal is to deal with an abuse.

Berry Cobb: And James made that very clear in our sub team and that's why we structure a minimum baseline instead of saying true uniformity across. You know, that's why, you know, there are certain minimums that probably should be out there. Exactly what those minimum requirements are, we didn't answer that. And again, that should be left up to the PDP. But those minimums are things that aren't being held to today. And Mikey has his hand up so I can probably use some help with it.

Mikey O'Connor: I don't know.

((Crosstalk))

Greg Aaron: Mikey.

Mikey O'Connor: ...find Berry. You know, I think that we're kind of retracing the steps that we took as a subgroup. And where we got to is pretty well laid out in this recommendation that says this - you know, I think there's are some things that are implied.

One thing that's implied is this is really complicated and it takes - it's going to take some more work than we had the time or the horsepower to do in the subgroup.

I think that the subgroup is important and I don't have the latest version in front of me, so I'm not going to be able to quote from it. But it does a pretty good job of evaluating whether there's uniformity. And the answer is heck no. There sure isn't.

And it also points out - and Berry's right. James was the stout advocate of this. That one side does not fit all in terms of this. We certainly don't want to be too prescriptive. But at the same time there is probably a useful notion that there are some fence posts that we ought to erect in terms of (unintelligible).

And at that point we said that's good enough for us. But we didn't do the analysis that you're asking for Greg because we didn't have the time or the (cycles). And so I think we may just want to leave it the way it is and say well, we have a bunch of people that think this is a good idea and one person doesn't.

Greg Aaron: Okay.



Mikey O'Connor: But, you know, a lot of the stuff that you're brining up is stuff that we went over in the group. For a bunch of us it's kind of foggy as to what we said and how we got there and I need to dig up the report, so on and so forth.

But, you know, your arguments are familiar but were nicely addressed in discussion and (unintelligible). We attempted to do this good at summarizing that in the background material. And, you know, I think we may just have one where we have an outlier.

Greg Aaron: Okay. Thank you Mikey. James.

James Bladel: Hi Greg. This is James speaking. Hey your concern here I think is valid and it is - and I think it's very - and Mikey indicated it's something that we went over pretty extensively in the group. And it was fairly close to, if not identical to, the position that I was taking that we had never really wrestled with the issue of whether or not uniformity in and of itself was a bad thing.

If we however were going to make recommendations toward uniformity, I kind of came to the compromise position where the limits on that should be - that should be strictly limited to the idea of what could be contained within that uniformity recommendations.

And that's where I went back to some of the SSAC papers said for example registrars should have procedures for dealing with abuse. It doesn't say necessarily what those procedures are or prescribe or give them the recipe on the - how they should address different types of abuse. It just says essentially that registrars should be aware that abuse occurs and should have a means of dealing (with it).

And that was about as far as I was comfortable going in this recommendation. But I think that, you know, we're traipsing into an area here and I think that this also could be said of some of the working groups I'm on like as post-expiree where we're stepping outside of an area where we have

uniformity across the board and into an area where ICANN and the community have determined that there are benefits to having tentative market driven entities fulfilling this section of the service to the community.

And when you do that, you're going to have folks that are going to provide differing levels of service, differing levels of different business models and different approaches to dealing with abuse.

And I think that we need to understand that that's part of - part of the nature of the beast that we've created here and that this going too far overly prescriptive with abuse is really turning ICANN almost into a consumer protection agency, which I think that is fundamentally addressed and that I at least don't want it to - don't want to see it go.

So I think that this is a really big issue, maybe perhaps more than it seems on the surface. As far as this recommendation for the purposes of our paper, the only recommendation that I was comfortable supporting was the idea of it should, you know, go no further than stating what registries and registrars should be aware that abuse is occurring and should have procedures to address it. But not necessarily right the script for that as far as what they should be doing about it.

Greg Aaron: Well, I have a - I have - this is Greg. I have a question. Use the example of registrars should deal with abuse or abuses. Right now there are contracts with ICANN and there are contracts with all registrants require them to deal with the abuses that have been defined.

For example, they have to do WHOIS reminders. They are required to suspend or delete domain names when WHOIS complaints have not been addressed by registrants. They are required to, you know, adhere to the transfer dispute policies and so forth.

So right now for me it's an operational issue. I mean they are required to deal with and have language that deals with all of the abuses that ICANN has defined to date. They also are required to have general language that says registrants and registrars will heed ICANN policies. And that includes any new ones that are - that are created.

So for me it's already covered. I'm saying if you have an abuse you want to deal with, then let's specifically address that one as we have in some of our other recommendations. We're saying that there are some things that need, you know, issues reports on and PDPs.

So I - it seems like a very vague thing. It's not - and at least - I don't know what it is. I just don't know. I don't - I don't - I don't know where it - where it goes or what purpose it serves. So I've said my thing.

Mikey, I still see your hand up.

Mikey O'Connor: Yeah. I put it back up. You know, this is where I get to the point where I think we just, you know, we have a disagreement. The - I think that the - that the sides are pretty well carved out. We just need to...

Greg Aaron: Okay.

Mikey O'Connor: ...align and let's get on with it.

Greg Aaron: That's fine. James has also raised his hand again. Thank you Mikey.

James Bladel: Yeah. And I want to say this as gently as possible so as not to seem as a betrayal to my fellow team members on the working group, Mikey and Berry. But I was really hoping that we could come up with a consensus language that we could universally support here.

And if we can't, please don't be offended if I sign on with Greg's position just because I think that it would be important for contracted parties to take a consistent approach here. But, you know, I think - I tried to put forth something that I think that we could, you know, achieve a consensus around. But if we end up breaking into two camps, then I'm going to - I'm going to be the collaborate that switches sides on (this).

Mikey O'Connor: Duly noted and I'm only three hours away, (dah, dah, dah).

James Bladel: Well, you know, if I have to do some damage control with beers in the lounge at Nairobi, then so be it. But I think that if we do have - I was hoping for one singular position, limited but universally support. If it breaks into two statements or two positions, then I'll probably go over to Greg's camp.

Mikey O'Connor: Yeah. Well, and it makes sense. I mean basically it's the consumer side versus the provider side. And I get that.

((Crosstalk))

Greg Aaron: Well and I wouldn't characterize - I wouldn't characterize it that way Mikey.

Mikey O'Connor: Well, I think James said it just a minute ago. He's uncomfortable with the notion that ICANN become a consumer protection organization. And as a consumer, I'm real comfortable with that idea, so.

Greg Aaron: And my point of view has nothing to do with consumers at all. It's more about process. And I think we've - the recommendation doesn't set out a problem that you're trying to solve. I'm all for solving problems. But I'm not in favor of an undefined problem and an undefined process for solving an undefined goal. That's all.

Mikey O'Connor: Well, I'm going to pushback a little bit on that. I mean the sub team wasn't given the job that you're asking us to do now.

Berry Cobb: Exactly.

Mikey O'Connor: The sub team was given the job of go out and determine whether or not there is uniformity. And if there isn't, determine what we ought to do. It wasn't to elucidate all the possible things that could be fixed nor was it to write the contracts nor was it to write the minimum nor was it to state the problem. It was simply to determine whether there was uniformity and if not whether we thought that for further study.

And we went out and found out that there's huge dispersion in the contracts. And that, yeah, this would warrant further study and that this is the recommendation that fell out of that.

So it's okay with me to let it bifurcate. But, you know, it is a consumer provider thing the way it's falling out. And as a consumer, this dispersion is a big problem.

Greg Aaron: But and Mikey, just to chime in on that. I'm not real comfortable with the characterization that it's a consumer versus provider issue and I apologize if that came across in my last statement.

But I think that, you know, that in order to ensure that we have a healthy, diverse and vibrant area of the community where the players are expected to compete against one another, I think that, you know, ICANN should resist any sort of squelching affects in that area.

And any registrar that feels that they are working against the interest of their consumers probably won't be in the business for very long. So I just wanted to put that out there as well.

Mikey O'Connor: Well yeah. And this is Mikey again. And that's part of the reason that we put the minimums language in instead of (unintelligible). I thought that was a fine

approach. But if we're going to attempt to bail on this whole recommendation, then I'm stoutly on the side of keeping it in because it's clearly something that bears a lot of looking at.

And it seems like there are reasonable approaches to getting this problem addressed without putting any fences around a registrar or registry in the process.

Greg Aaron: This is Greg. (Unintelligible) just raised his hand.

Rod Rasmussen: All right. Thanks Greg. Just a few things. One I'll mention is it's 2:00 am for me so I'm not going to be able to hang on here much longer. The other is I think that on this issue there are - when it comes to handling abuse, and I'll just respond a little bit to James here, the issue isn't for the customer's particular registrar.

It's for everybody else in the area being affected by that registrar and how you handle abuse and having some minimum standards; I think that's - and there's plenty of that registrar experience in the past where their clients were perfectly happy with the fact that they were registering the domains and keeping them up but everybody has had a problem with it.

But I think that we've pretty much beaten this issue to death both in the past and tonight. So (work) this morning for you guys. So I would say that we might want to move on.

Greg Aaron: Okay. I'm happy to second that. So with no further discussion...

Mikey O'Connor: Greg. One last thing then. If we're going to bifurcate which it sounds like we are, then when Berry proposes changes to the language, I'd like to let those changes get put back in. Because I think what was going on in the editing of the background section was an attempt to arrive at a consensus position

which now that we're not going to have a consensus position I'd like to strengthen. So that's just another two cents on that.

Greg Aaron: Okay. Well, we should ask Berry to run down quickly his list of things he wanted to see done in that section.

Berry Cobb: Okay. This is Berry. I'll start off with the heavy hitters, the really big stuff. The first one is as the current document stands to date, there is an Annex 3 at the end of the document that has supporting information relative to the research that we did on dispersion.

I'd like to move that up into the background section of uniformity of contracts primarily for the reason of falling - aligning to the rest of the sections. There are no other appendices for any of the other topics and on several of the others multiple pages of background section. So just for consistency sake, I'd like to move that into the uniformity background section.

Man: Agreed.

Man: Okay by me.

Berry Cobb: Okay. The next topic is within the uniformity of contracts background section, and Marika will be able to do this, the sub heading titling needs to be aligned so that it's 8.2.1, 8.2.2, et cetera, so that it aligns with other sections in the paper. I think everybody will agree to that one.

The third main change is within that supporting material for uniformity of contracts. There's a series of two screenshots to show the dispersion. One of those screenshots is missing. So I'd ask that we add that first one back into the master document.

Greg Aaron: Which one is missing Berry?

Berry Cobb: Well it's the one that zooms out as a 10% view of the spreadsheet and it's meant to show where there was a tag where we've identified language and then where there wasn't a tag was where there wasn't language. And it shows how that language from the (on track) was pasted into the spreadsheet next to that flag.

So again, there were just two main screenshots. And the idea there is to support the summary version of the dispersion.

Greg Aaron: Okay. Marika, are you familiar with the piece that Berry is referring to?

Marika Konings: This is Marika. No. So it would be helpful if Berry could send me what needs to be included. That would really help facilitate my task.

Berry Cobb: Okay. Both screenshots were included in the last uniformity of contracts document. And just somehow that top one lost. So it's not - I'm not submitting new material or anything. It's just the screenshot, what was there before.

Greg Aaron: And you said this was a 10% view?

Berry Cobb: Yes.

((Crosstalk))

Greg Aaron: It may have been - Marika, if it's - if it's a very large chart, that may present some problems.

Berry Cobb: It's no different than what's already been in there Greg. Again, it's...

Greg Aaron: Okay.



Berry Cobb: ...meant to show the dispersion at a very high level and to help the reader understand that there were - that there was text pulled from contracts relative to that abuse type.

Greg Aaron: Okay. Can you do Marika a favor? Can you mail her just the screenshot that you want included so that'll be very clear which one it is?

Berry Cobb: Correct. I will.

Greg Aaron: All right. Mail that up to not only Marika but also the list.

Berry Cobb: Okay.

Greg Aaron: So (we) got it there in the archives. Okay. So that covers that.

Berry Cobb: And then the last major change was that I recommend that we remove any notation of APB which was standing for abuse provision baseline and furthermore the last section of that Appendices 3 included an APB example. And I'm doing this for you Greg. You had noted that those provisions that were brought out by PIR and affiliates, they deal with use.

So in addition to the fact that we agreed that we are not because this is a pre-PDP and we can't taint any future PDP, I recommend that we just strike SPB altogether from the document.

Greg Aaron: Okay. In the version of 27 January, there's a section called abuse provision baseline, APB. It's Section 8.4.2.

Berry Cobb: So that section, that title, would change because it's not - no - again, we're trying to strike the notion of APB. But what I'm more focusing on is at the very end of the document I included an example because originally that was my intent to satisfy James' comment earlier that we would hope to come up with what some kind of minimum baseline would look like since we're not doing

that minimum baseline at all. I strike that the - or I recommend that the example just be removed altogether.

Greg Aaron: Okay. So you want to remove that. And what does the example consist of again?

Berry Cobb: It's provisions that were copied from the affiliate and PIR contracts that enable them to go out and fight use abuse, which you wanted - which you claimed was strictly only use abuse and had nothing to do with registration abuse and you didn't like it altogether.

And Greg ultimately I really wish that you were a part of the sub team because I think we would be a lot further along than we are now.

Greg Aaron: Well, I did have some - I mean thank you for that. Did have some limitations on my time. Can you mail us specifically the material that you would like to see removed and the - any edits necessary around the APB material that you just described? And this is to help Marika and I know exactly what needs to change.

Berry Cobb: Understood.

Greg Aaron: Okay. If you can do that today, then we'll be producing a new version of the document.

Berry Cobb: Okay. So again, I need for Marika to make these other major changes and move this stuff around so that I can make sure that the line numbers are signed up appropriate for some of these other smaller changes.

Greg Aaron: Berry, or what you can do is you can copy the text as it currently exists and then you can say please change it to the following. That will allow Marika to locate it without referring to line numbers because those will be in (plugs) I guess.

Berry Cobb: Okay. And then the other edits again, I'll just put in the paper for everybody to review. But as Mikey touched on, we see to be having two camps established here. There were a couple of suggestions that I have relative to the language that you added into the background section Greg that either warrants a separate section because it doesn't touch on the topic for that subsection of the paper and/or what I have trouble with is that it basically kills the recommendation before the reader even reads the recommendation.

So that seems to be counter to what other sections of the paper have about descents. And if the intent of the background section is to put both for and opposition material in there, then I'm fine with that but, you know, it needs to align with the other sections as well.

But your language additions in there specifically call out and say we shouldn't do this recommendation before the reader even gets to the recommendation. So somehow we need to structure that better.

Greg Aaron: Yeah. The background sections are meant to delineate all the discussions and opinions that have been stated. The additions I made were after everything else that you had put in. So you had put some stuff in and then there were a few things that I wanted to note as well.

So that is consistent I think with other sections. It's a summary of discussions and viewpoints. Then comes the separate recommendations section and then we're going to have again some reiteration I guess of those ideas or feelings, but I think it's consistent with the - with the other background sections and with the purpose of the background sections.

So okay. So Berry did you have any other changes?

Berry Cobb: That's it for now.

Greg Aaron: Okay. Great. All right. So if no other thoughts on contracts, I think (Martin)'s having to log off, we go on to Meta issues. We have first recommendation about uniformity of reporting. It reads the RAP has suggested that this Meta issue be addressed either by a PDP working group, a best practices working group or an ICANN advisory group.

That the goals are providing just in time education and knowledge to people wanting to report problems. Making it easier to submit a valid complaint. Reduce the number of erroneous complaints. Improving understanding of the limits of ICANN policies and other options to pursue if the issue is not covered by policy.

Improving the effectiveness of policy compliance activities. Improving the data available for GNSO Working Group and ICANN Advisory Group policymaking. Improving the data available for compliance activities. Answering the question, which comes first, policy process or definitive data. Describing the problem along with suggestions as to how data can be gathered when it hasn't yet been included in the reporting process.

We had three agreements and then we had four making friendly amendments. Mine was I think we're talking about working methods here which need to be incorporated into how the GNSO works. So I suggest dropping recommendation for PDP or working or advisory group. Phrase it as an issue the Council needs to consider and let them decide how to pursue it.

James said what is required is a top to bottom review of ICANN's data collection, data analysis and reporting capabilities. Fred said maybe too general to incorporate. And Faisal said teams to be too general and might be difficult to implement.

So it seems like there's agreement that - I think there's several - actually I think there's several issues wrapped up in here. And Mikey, jump in at any time.

One is the question of the existing reporting mechanisms that ICANN has. Another was if you have a policy, how do you measure its effectiveness or provide a reporting channel for compliance. Another one was the question of what comes first. Do you - do you - do you try to gather data and then make policy or do you determine that you might need a policy and then go out and seek data?

So I see James' hand.

James Bladel: Hi Greg. Thanks. This is James. And would welcome some support from Margie and Marika as well. But in - I'm participating in the - some of the GNSO improvement groups that PPSC PDP reform group and this is an issue that I think there's a lot of overlap with something that we are working on in that group as well which is this idea that in order to ensure that ICANN is focusing on fact based policymaking, you know, we need to quantify the problems that we're attempting to address.

And we need to propose performance metrics and review cycles to ensure that the policy can be re-assessed from time to time to ensure that it is accomplishing its stated goals and, you know, not generating any un-attending consequences.

So I'm not sure that we need to be too, you know, overly in depth on this particular recommendation. If we can somehow, you know, nod - give a nod to that work that's going on elsewhere in the GNSO and possibly recommend how that work could be applicable to dealing with abuse issues.

I think that should be sufficient for recommendation at this point because I think that what we're seeing, and whether it's post-expiree, whether it's IRTF groups, is we're seeing that there's a woeful lack of capability on ICANN's part to collect and synthesize and report the type of data that's required to really generate a quantitative policy response to some of these problems.

And in some cases, and I'm going to editorialize here a little bit, the post-expiree we're finding that, you know, it's very difficult to even demonstrate the harm is occurring on any kind of a widespread level.

So perhaps the best approach for this recommendation is to acknowledge that that work is happening in another area of the, you know, of the GNSO improvements and just make it a - make an acknowledgement that that could be applicable to abuse and essentially punt this issue over to the group that's already down the road on that.

Greg Aaron: Okay.

James Bladel: And I would welcome if this - Margie or Marika, if I've mischaracterized that section of what we're doing in PPSC, please jump in.

Margie Milam: James, it's Margie. No. I think you're right. That's one of the areas that we are looking at in the PDP group to figure out how to come up with back space analysis and improving the PDP structures and processes.

Greg Aaron: Okay. Any other comments from the group? Mikey.

Mikey O'Connor: This is Mikey. I'm fine acknowledging that that might be a destination. But I don't want to drop this recommendation altogether. Is that what you're suggesting James is that we just drop the issue altogether?

James Bladel: No. Not drop it but make - but acknowledge that, you know, this came up during the course of the RAP that we recognize or acknowledge that it's being address in this other group and that we would maybe recommend to that group that they consider its applicability in addressing or developing future abuse related policies.

And really just kind of let the recommendation for Council to take up the baton on this one and more of a recommendation and an acknowledgement that the work is already ongoing in another area of the GNSO.

Now the only catch to that, and I'm going to go ahead and argue against myself here as I'm prone to do. The only catch to that would be is if there is something that - that group is to my understanding GNSO specific.

So if there's something that we feel that warrants some inclusion or work by areas outside of the GNSO with like the ALAC or CCNSO or something like that, then maybe - then maybe that group needs to - maybe there needs to be an add on in this group.

But I - but I think that from my participation in both these groups, I think that the overlap is almost total.

Mikey O'Connor: This is Mikey. You know, that's the reason that we punted these things up to sort of a Meta issue category is that there's a lot of overlap not just between us and the PPSC. (Saying) that also (Pidner) and also outside of GNSO and I - at least in my mind when we were coming up with these Meta issues, it was more to highlight the issue and the agreement that gave verily this is important work.

We don't have any specific recommendations for RAP related stuff but we do want to support ongoing attention across the organization. You know, it's kind of like the little memo that we wrote in IRTC. And I just think that it's useful to keep the attention on the issue and express support for people who are trying to resolve it from as many (for a) as possible, so.

James Bladel: Yeah Mikey, and this is James speaking. I just wanted to point out that, you know, the PPSC is reforming the entire process. So, you know, it recognizes that this is an overarching issue in all of the various PDPs that are ongoing and future PDPs that might come up.

So it's I think a more appropriate, you know, procedural change as opposed to, you know, something that needs to be fixed on an as needed basis on all the individual PDPs.

Mikey O'Connor: Yeah. I don't think - I don't think we're disagreeing there. I guess where I'm at is sort of back to the recommendation area.

Greg Aaron: Yeah. My question is are you really thinking that it would be referred to the PPSC?

James Bladel: I think that it would be an acknowledgement that this was identified in the course of the RAP that this problem was encountered and identified. That we are aware that it is a component of the work that's being done in the PPSC and would ask that the PPSC and, you know, the overall GNSO improvement area take a look at this issue and how it can apply to their reform work in the PDP process.

((Crosstalk))

James Bladel: So it's kind of a me too. You know, it's kind of saying we found this problem. We know it's a problem. We know it's going on everywhere. We know that the PPSC PDP group has identified it and they're working on it as well. We'd just like to support their work in that this needs to be fixed.

Greg Aaron: How does that sound to you Mikey?

Mikey O'Connor: I think I'm okay except that when James was arguing against himself, I did like that part a lot.

James Bladel: I need to - I need to learn to stop doing that.



Mikey O'Connor: You know, I think that one of the issues here is that it's not just within GNSO. And so with that little caveat - I mean part of the trouble reading these recommendations without having the background is that in the preamble in the background we rattle off a list of a bunch of PDPs that are encountering this problem, IRTPB, (Pidner), et cetera.

And so maybe what we do is we acknowledge - we add this one to that list of acknowledgements and highlight that (unintelligible).

((Crosstalk))

Greg Aaron: Mikey, can you repeat again. You broke up.

Mikey O'Connor: (Dag nabbit) (stupid) phone. In the beginning of the background section of this, we had a little list of the PDPs that (unintelligible), (Pidner), IRTPB, us. Would it make sense to just add the reform working group to that and highlight the fact that they're perhaps going to actually write policy about this?

James Bladel: Well, that's not really a PDP though.

(Mike): (See that's my issue with that.) See that's why it's written the way it is is to sort of step aside the boundaries of (teams) (unintelligible) the PDP process. So then I'm back to well, what are we saying - what are we doing to change this recommendation? Anything?

Greg Aaron: Well, I guess our goals are as follows. We want to - we want to highlight this issue in a special way to the GNSO Council. The PPSC is an area of particular interest and focus on this kind of a thing. I mean my personal observation is we do have a mandate to focus on GNSO type stuff.

The larger ICANN environment is a little - a little harder to try to address I think.

Mikey O'Connor: Yeah. But the trick here, and that's why it's in Meta issues, is that exact problem. I mean you've all been (berated) (unintelligible) about silos. This is trying to point out this spans outside of our own little GNSO silo. That's part of the reason why it's in Meta issues I think.

Meta issues gives us all sorts of freedoms that we don't have in the rest of our document it seems to me.

Greg Aaron: Okay. So what's - can we agree on some goals? It sounds like what we need to do is generate a new version of the recommendation today that is more specific and gets, you know, addresses the friendly amendments that have been made.

In general, people are in favor of some ideas around this Meta issue but we have to figure out how to get the higher, you know, higher level of consensus here.

It - Mikey and James, would you be willing to create new language today? I don't think we're going to be able to do it on this call.

James Bladel: Yeah.

Mikey O'Connor: Yeah. James, why don't you and I just hang on or we'll just call each other afterwards. Is that a good...

James Bladel: Yeah. It might have to be this afternoon though Mikey, just looking at my calendar. But yes, I agree.

Mikey O'Connor: Well my problem...

Greg Aaron: Okay.

Mikey O'Connor: ...is that in the middle of the afternoon I turn into a (pumpkin). I get on the road. So I've got to limit it to early afternoon.

Greg Aaron: Okay. Can you guys post something to the list today? I can be later today of course. But we need something today that addresses those friendly amendments.

Mikey O'Connor: Yeah.

Greg Aaron: And in that recommendation, I'll just observe personally, it's awfully long and a little mushy.

Mikey O'Connor: Well, it's got a - the problem is that it's got a whole bunch of bullets that are all smashed into the text. I'd be perfectly happy to leave the bullets out.

Greg Aaron: Okay.

((Crosstalk))

Greg Aaron: Okay. You guys work on - you guys work on the specifics. But I think our goal is we really want to - we want to highlight this as an issue. PPSC is an important avenue perhaps that needs to be mentioned specifically. And just maybe some fat cutting that again the people who made friendly amendments said it needs to be a little more specific and a little less general.

Mikey O'Connor: Yeah.

Greg Aaron: Okay.

(Mike): Well I think if you - if you read the recommendation and stop in the middle of the second line, uniformity of reporting; the RAPGWG suggests that this Meta issue be addressed either by a PDP working group, best practices working group or an ICANN advisory group period.

That's the recommendation. The rest is basically a list of goals that don't really need to be in a recommendation like this.

Greg Aaron: Okay. And do you want to mention specifically the PPSC. I mean I don't know - I don't know frankly if I - if I support a PDP on this issue.

Mikey O'Connor: Well that's why there's all those ors in there.

Greg Aaron: Yeah. Yeah. I mean...

Mikey O'Connor: Talk about that in the body of the background. We say, you know, PDP...

((Crosstalk))

Greg Aaron: Yeah. My comment was that we're talking about working methods here...

Mikey O'Connor: Right.

Greg Aaron: ...in a lot of ways. Okay. All right. I think we have a course of action. And we move on to Recommendation 2, which is collection and dissemination of best practices. And that one reads as follows.

The working group suggests that this Meta issue be addressed either by a PDP working group or an ICANN advisory group with the goals of creating mechanisms within the ICANN community to support the creation and maintenance of best practices efforts in a structured way.

Creating multiple channels, some private or secure, for dissemination best practices to all relevant community members. Incorporating the gathering and recommendation of best practices into the processes used by various policy and advisory working groups.

Instituting practices to measure and incentivize the option of best practices across the industry. Launching regular review processes where universal best practices may be incorporated into more formal policies.

We had three agreements for suggestions for friendly amendments. Those were as follows. I said this might be fodder for PPSC. I think we're talking about working methods. So I suggest drawing up recommendations for PDP working group or advisory group, phrase it as an issue the Council needs to consider and let them decide how.

James said ICANN can be a facilitator of best practice exchange but it would be seen as a peer organization with other groups such as APWG and RSG. Fred said I believe this is maybe too general. And Faisal said appears to be general and hard to implement. So some of the same comments as the other reporting issues.

Mikey O'Connor: This is Mikey. So to kind of cut to the chase on this, you know, Rod and I sort of copied off of each other's notes. And here's my suggestion. Why don't we, in both of these, take all those goals and put them back up to the background section as material for the framers of whatever the initiative is to go look at and do the same thing.

Just chop it off at the - at the middle of the second line that says we recommend that somebody go take a look at this and be done with it.

Greg Aaron: And Mikey, this is Greg. One of the sentences I think is most valuable to get in front of the Council is creating mechanisms within the community to support the creation and maintenance of best practices efforts in a structured way. Because that says very clearly this is something that ICANN should be spending time and money on basically.

There needs to be a structure for doing it and maintaining them ongoing which is I think something that everybody was excited about. And there was -

there was a high level of agreement about that. That sentence I think is the core piece. That's my two cents.

Rod Rasmussen: This is Rod. I mean everything else from that is just part of what that, you know, sub definition of what that means. So, you know, to cut to the chase of this says, you know, the first part in. Whether it's PDP or I don't think it's a PDP either.

But it's, you know, this goes beyond GNSO anyway. So then as mentioned a couple of hours ago, (Dextrim) has already talked about doing exactly this kind of work. So, you know, say it's an ICANN initiative and be done with it.

Greg Aaron: Okay. Thank you. Who wants to make an attempt at touching this one up today? I'm happy to help. Rod, are you interested in it?

Rod Rasmussen: You would need - you would need - no. I'm a zombie already. It's...

((Crosstalk))

Greg Aaron: Sorry.

Rod Rasmussen: No but I think we can come to consensus right now. I think. I mean we're - if we - if you just cut it, you know, you can make the recommendation (end it after) structured way. And, you know, and let's say be addressed within the ICANN community instead of, you know, specifying it and there we go.

Greg Aaron: May I make a suggestion, which would be within the GNSO and the larger ICANN community?

Rod Rasmussen: Sure.

Greg Aaron: Because we want the GNSO to really pay attention to this and take some ownership of it. At least - at least for themselves.

Rod Rasmussen: That works for me.

Greg Aaron: Okay. Any...

Mikey O'Connor: What the heck? Sorry.

Greg Aaron: You like - Hi Mikey. What we just discussed was really concentrating on - and Rod just spoke about this. But concentrating on that stint about creating mechanisms in a structured way.

And we want to address it, you know, the recommendation to the GNSO so GNSO has some ownership, you know, at least for its own work but also within the larger ICANN community to emphasize the fact that this is something that is going to be potentially useful and recommended across the spectrum. But we want to mention GNSO specifically.

So any other comments on the - on the recommendation?

Mikey O'Connor: This is Mikey. Would those changes apply in the one we just talked about too. Should we parallel them?

Greg Aaron: Well this was - this was for Recommendation Number 2.

Mikey O'Connor: Yeah, I know.

Greg Aaron: The best practices.

Mikey O'Connor: I'm just wondering if you took those changes and mapped them back into Recommendation Number 1, would those make sense?

Greg Aaron: Ah. Okay. I see.

Mikey O'Connor: Because these are pretty parallel recommendations.

Greg Aaron: And just - what I - what I could do is let me send up some new recommendations text for Number 2 to the list. And then maybe as you and James are looking at Number 1...

Mikey O'Connor: Yeah.

Greg Aaron: ...you could consider if there's anything that could be reused.

Mikey O'Connor: Right. Well...

((Crosstalk))

Mikey O'Connor: ...and conversely is the notion that the PPSC Working Group ought to take a look at this. You know, should we carry that idea down into this one? Once again, it's a similar kind of deal.

Greg Aaron: By the way, how close is the PPSC to creating - finishing its work?

James Bladel: We're on stage five of five I believe. I would ask Marika what that means in terms of days or weeks. But...

Marika Konings: This is Marika. After the PDP working finishes its work, it will still need to go to the PPSC for consideration and it's still a question whether they're just going to look at the recommendations and go with it or whether they'll, you know, want to go more into some of the elements. And after the PPSC is done its job, it needs to move up to the Council for a similar kind of discussion and consideration.

So - and then after that it will need to go to the Board because there are bylaw changes involved. It will require Board approval as well. So overall the whole process will require still quite some time to go through the different



stages including as well, you know, different public comment periods, et cetera.

((Crosstalk))

Greg Aaron: I was asking Mikey just because I didn't want to miss the boat if they were already...

((Crosstalk))

Mikey O'Connor: Yeah. Well that's what I...

Greg Aaron: ...(or far away).

Mikey O'Connor: ...whether the train has already left (unintelligible). Do you folks who are on the PPSC Working Group think that there's time to add a couple more major topics into that or are we referring this to a train that's already left the station?

James Bladel: You know, Mikey, this is James. And I would say that if it's overlapping with something that's already on the PPSC agenda, then we should, you know, be aware of that. If it's talking about a brand new item that needs to be added, I think it may be a little too late for that. Just my opinion though.

Greg Aaron: Well, if we're making a recommendation specifically to the GNSO, Council can always decide how to best take it up. If they want to put it in the PPSC, they could. Or they could do something else. I guess what our goal though is that they address it somehow. We might have to leave it up to them.

Mikey O'Connor: Yeah that's - this is Mikey. That's sort of my reaction. And so maybe we just treat both of these the same way and say dear GNSO, here are some things that we would really like you to take up but we leave it up to you as to how.

Greg Aaron: Okay. Okay. Let's go with that unless anyone has any objections. Okay.

Mikey O'Connor: And, you know, that would work for Number 1 too. James I'm trying to get us out of that work (unintelligible). Get out of that work. Is that okay with you if we did it that way?

James Bladel: I'm not clear on what that leaves us - left in terms of a recommendation.

Mikey O'Connor: Well, I think - I guess what I'm thinking is if we parallel these two recommendations, we make them read pretty much the same. We found these two tasty issues. We want to bring them to the GNSO's attention and hope that the GNSO will address them somehow; PDP Working Group or whatever.

Not, you know, advisory - that's the problem. We can't specify. We don't have an existing mechanism for them. So let's punt the ball to the GNSO and let them figure it out.

Greg Aaron: Okay. Sounds good. So that brings us to the end of the list then. We have a few deliverables that need to be done today. So Marika can start on the polling and wrap up all of those edits to the background sections.

We're still planning on having polling opening tomorrow after this last language is worked out. So I encourage everybody to work very hard on that stuff today so we can offer several days of polling later this week.

A lot of us won't be in Nairobi, but it looks like we're going to also be able to finish up and have a final document by Brussels. And I want to offer at this point the idea of having a happy hour for everybody at Brussels. Drinks are on me.

Mikey O'Connor: Oh, I hate that idea. Terrible.

Greg Aaron: No. I want to acknowledge, you know, it was - it was great getting through this material today. Thanks for sticking with it. And very, very soon we're - this initial report's going to be done. So just a few little things to take care of and we will be meeting our goal.

So let's just do that exchange of those points on the list today. Everything should go to the list and not to individuals such as Marika and myself, but to the list (as a whole) so everybody can see what we've got.

And then we will touch base - our goal for the next meeting a week from today is to look at the results of the polling and the consensus levels. And then hopefully we are - we are done with the report.

So thanks everybody.

Faisal Shah: Hey Greg, this is Faisal. Just real quick...

((Crosstalk))

Greg Aaron: Yeah. Go ahead.

Faisal Shah: On the Meta - the material predicate issue that you had brought up. I don't know if we finished that. But I think that - I think what we had done - what I talked to Fred about was maybe perhaps keeping into the - putting into the background the initial two sentences that you had in your description.

But keeping out any examples because I think when you start getting into examples is when it - things start getting to get a little muddier and complicated. So just kind of put the two sentences in - put that into the background and I think that that would be appropriate.

Greg Aaron: Right. And I've got those two sentences from you. Okay.

Faisal Shah: I think you got them from Fred, right. I think Fred put them...

Greg Aaron: Yeah. I copied them off the chat board.

Faisal Shah: All right.

Greg Aaron: Okay. Okay. Thanks everybody and have a - have a good evening and we will talk a week from today.

Man: All right. Thanks Greg.

Greg Aaron: Good job. Thank you.

Man: Thanks Greg.

Mikey O'Connor: Thanks Greg.

Glen de Saint G ry: Thanks Greg.

Man: Thanks Greg.

Woman: Thanks.

Greg Aaron: Take care everyone.

Mikey O'Connor: Bye.

END