

**Fast Flux PDP WG Teleconference
TRANSCRIPTION
Friday 20 March 2009 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Fast Flux PDP WG teleconference on Friday 20 March 2009, 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-ff-20090320.mp3>
<http://gnso.icann.org/calendar/#march>

Present for the teleconference:

Greg Aaron - Afiliias Ry c.
Paul Diaz - Networksolutions RRc
James Bladel - GodaddyRRc

Observers - (no constituency affiliation)

Joe St. Sauver
Martin Hall
Rod Radmussen

Staff:

Marika Konings
Glen de Saint Gery

Absent - apologies

Avri Doria - NCA, GNSO Council chair, Interim chair

Coordinator: Okay, the recording has started madam.

Glen Desaintgery: Thank you.

Marika Konings: Glen, would you mind doing the roll call?

Glen Desaintgery: Of course Marika, thank you. We have on the line Joe St. Sauver, James Bladel, Paul Diaz, Martin Hall, Greg Aaron and Rod Rasmussen plus Marika Konings from staff and myself Glen Desaintgery.

Marika Konings: Thank you very much Glen.

Glen Desaintgery: And Avri has sent her apologies, she can't be on this call and that I think is the only apologies that I have received.

Marika Konings: Okay thank you. Well as I said before I think we're missing some of the usual suspects which might be due to the change in numbers or maybe change in time zones or maybe they other things on their agenda.

But I think it's important that we still have a first discussion on where we go from here and then maybe then share on the mailing list with people what was discussed and then see if we can get some interaction in that way.

But before we go into that, I don't know if you have seen Avri's message. She has asked whether there are any volunteers to take over the interim Chair position as she is unavailable this week and even next week. And then she's noticed as well that with her other work load it's very difficult to pay attention to this group that is needed to follow the work and then stay engaged.

So the first question would be if there's someone willing to take over that role.

James Bladel: Marika this is James, I have a question.

Marika Konings: Yes, go ahead.

James Bladel: And if I may it seems like the last couple of weeks we've seen the attendance drop off significantly just before and just after the meeting in Mexico.

I'm wondering if there's precedence for essentially rebooting the membership of the group and sending out to the folks that are - you know I understand part of it is relative to the time zone change. But I think that we were losing folks prior to that as well. So I'm just wondering if there's any method that you can recommend to kind of reconstitute the group, get this final report over the finish line.

Any thoughts on that?

Marika Konings: Glen, what's your experience with that?

Glen Desaintgery: Short of sending out an email to the whole group and telling them again what the time is, I don't know that - we could ask everybody of course to confirm that they are still interested in belonging to the group. Would you think that was a good idea?

James Bladel: Yeah, I think something a little more formal along those lines to kind of reiterate the call for volunteers and update everyone on the status and what remains to be done and from that response then draw who our new interim chair should be. And kind of reconstitute the group from there, I don't know, am I out in left field on this one? What do the others think?

Paul Diaz: No, I totally agree with you James, this is Paul. You know I think there's probably a lot of confusion within the group about what exactly the status is, what we need to do moving forward.

Is this issue going to be treated independently? Is it getting rolled into the registration abuses effort? I mean just the presentation that was given, the update on this before the council in Mexico City, I came away very unsure about what the status of this group was.

In fact calling in today was more to figure out what our next steps are than necessarily to roll up our sleeves and do some more work.

Marika Konings: And this is Marika, I think that's something for the group to discuss or at least from my perspective one of the issues on the agenda because I got as well you know a sense from Mexico City that some people feel that this maybe should go indeed into the registration abuse workshop.

Some feel this should just be wrapped up and you know with no firm recommendations on what next steps might be. So I think that's one of the issues that the group should discuss and consider.

Because as far as I'm concerned I think all options are open. The only point I think we need to take into account is that I think it is important that even if everyone feels that well, we'll just leave it as is and you know we move this into another group that we still come to a final report that at least reflects the public comments received.

To give credit as well to those you know maybe effort to provide comments and submit those. But that could be a relatively easy process and then I guess update as well you know any recommendations.

If the recommendation would be to either merge it into another group or you know just (unintelligible) recommendations I guess, those are some of the options.

James Bladel: Yeah, and I think the paradox of course is to make a change that we would need a quorum.

Marika Konings: Yes so maybe we can have a discussion now, I don't know if there's any of you want to take on - you know already make a decision now or volunteer for the interim chair role but I'm happy as well to moderate a discussion a bit and have a discussion between us.

And then basically put out to the broader group saying look, these are the different options, you know what do people see though even you know put it to a vote and can people express their opinion as to what this group would like to do?

And then see if there are many more meetings needed to see if indeed we need another interim chair or whether we can you know wrap it up relatively quickly.

Man: Can we go ahead and take a minute and kind of recap how Mexico did go? I apologize for not being able to be there and you know participate. But I am kind of curious how it did get perceived.

Is there someone who can go ahead and speak to that a little bit?

James Bladel: I'll take a swing at that and then Marika and Paul and Glen if you could jump in. We had a presentation to GNSO council, I believe it was on Sunday, or Saturday, my days get all mixed up when I'm down there.

And I think that there were some discussions about recommendations from Avri that we begin the process of synthesizing the public comments into the report and putting together some kind of a final product.

There was some discussion about the way that the group was scoped and how perhaps it was - the charter was way too broad or there were some items that were vague.

The next topic was discussion about how the registration abuse policy working group might succeed this group with a narrower charter and a more focused set of issues.

And that was about it, I think that session was not very well attended, I remember there were maybe a dozen folks in the room at the time. Did I make any major omissions folks or?

Paul Diaz: No, I back everything up you said James. It was not well attended and anything else I might add - I believe Mike did the presentation, right?

James Bladel: And he was - I thought his presentation was very thorough and there were...

Paul Diaz: Absolutely but my confusion about our next steps was driven as much by Mike's presentation and he left me with the feeling that you know we're sort of pushing this effort towards the new registration abuses as much as it was you know a call for okay, let's wrap up whatever it is we're doing.

I came away feeling just very much kind of on hold about is this just going to get folded in? Thank you very much and do it over there or do we need to you know come to a full conclusion in this group.

Greg Aaron: This is Greg. My understanding from Mexico City was that - and this is based on what Avri had said was this group needs to at least wrap in the public comments and then decide whether to basically wrap a final report.

So this - my understanding of this group needs to continue on course although maybe it does get wrapped somewhat quickly. I'll speak as the chair of the registration abuse policies working group for a second which is that we haven't had any discussions about FastFlux.

James Bladel: Right.

Greg Aaron: And the - what our (interim) report currently says is that FastFlux is a domain name use issue. This is an issue of what bad guys do after they register a domain name and how they use it.

My personal belief is that that is out of scope for the registration abuse working group. That's a domain use issue which I mean we'll probably have to discuss this some more but I do know that there's a legal opinion that domain name uses are out of scope for ICANN's consideration.

So...

Marika Konings: Just to correct you on that one Greg, the issues report on FastFlux did say that certain elements might be in scope while others are not, although that doesn't help a lot I know.

But I think there was some gray area.

Greg Aaron: I phrase that as my personal opinion, but - and as I said, we'll have - that group is going to try to look at some definitional work.

But I don't see it trying to fold in this effort and bring in all the work that's been done. I think this working group needs to finish its work.

FastFlux working group should I think as Avri said accept this report and not try to necessarily link this to any other stuff that may or may not happen.

Marika Konings: Greg in your view are there any recommendations do you think this group will be able to come forward with or it will basically - well we've discussed it, we've got a lot of you know interesting useful information, but these are some ideas we had but...

Greg Aaron: I mean I think that's a discussion that this group needs to have, what recommendations if any should it make.

Rod Rasmussen: This is Rod and I already expressed to you in Mexico my opinion. It's divergent with yours on whether I think FastFlux is a registration abuse issue or not, but since you're the chair and I'm going to be spending some of the direction there, I have a concern that this will get lost.

The FastFlux part will get lost, you know there's an assumption among many people that we're going to continue talking about FastFlux within the context of registration abuse or general abuse going forward.

So if there's a chance it's going to get lost I'd rather keep moving forward with what we've got right now rather than lose the momentum we've got on examining this issue.

Greg Aaron: I think what we have in the registration abuse working group is we've got a list of you know issues people have raised. And then we'll go through that list and work on definitions and also figure out whether some of those are in scope or out of scope or we don't know and need to go get some more opinion.

The general question of FastFlux - well the question of FastFlux is a specific flavor or species of cyber crime, right? Use of domain names for cyber crime.

Man: Well I think that's...

Greg Aaron: You know and - well I'm just saying that's what some people have said.

Man: Sure.

Greg Aaron: And it - so the issue there is you know well what do you do about it? And that issue will probably come up in registration abuse working group and then we'll have to work through whether you know what of that is in scope or out of scope or what have you.

Marika Konings: Martin, Joe, what are your opinions?

Joe St. Sauver: Go ahead Martin, you can go first.

Martin Hall: I guess I'm struggling to have an opinion because I don't fully understand all the ICANN processes. It's - I mean is one of option of this working group continue?

Marika Konings: Maybe just take a step back and let me explain the normal process of a policy development process is that a group produces an initial report which is FastFlux report done now.

Then there's a public comment period and then the next phase is to get to a final report which then takes into account the public comments received and then makes final recommendations for either you know policy changes or you know best practices.

Or whatever next steps the group might deem appropriate, and that is then submitted to the council for consideration. So what we're debating now actually is like what that final report should entail because you know as I said before I think the least this group probably should do is to get to a final report which incorporates at least the public comments.

And even if the group decides not to undertake any further work on the recommendations or you know apart from maybe a statement saying well this is where we want to leave it and you know we don't think we can get any further than this.

Or this is what should be done, the group now should basically decide whether they feel there's scope to get further.

So to work further through the issues, review all the public comments and see whether maybe the group forgot or left out any of the points raised. Validation that certain constituencies might have you know a change of opinion or some of the participants and see where it leads to.

Or some have raised rapid (unintelligible) that's already going on and we don't see anything coming out of this group or have concern.

Joe St. Sauver: Concerning the comments, the one comment that seemed to go ahead and raise a new issue was (Woody)'s comment about the actual network load of the FastFlux you know process.

And you know many of the other comments seemed to either go ahead and reemphasize things that had already been said or kind of seemed in some cases confused about points, almost as if they hadn't actually read the report.

But you know when you go ahead and talk about finishing the report up I think it should definitely be finished. I think it should definitely be issued.

Once it gets issued no one may care. If there were only 12 people in the audience at the meeting I mean that may be a sign that people aren't just revved up about this issue.

That's really unfortunate I think but it may just be you know one of those two technical issues that folks just don't even get, folks don't even know what FastFlux is I think.

Man: Joe, on that last point, Mike gave that presentation at several different meetings as well, there was a lot more - at least abbreviated version I think there was a lot more interest and participation.

That first initial meeting I believe was on Saturday because I don't think I was even there yet so it was more a matter of how many people were physically there than interest perhaps.

Marika Konings: And just to point out as well that you know we did receive 25 comments which is quite a lot for you know something that's in a positive element stage and indeed by some seen as a very technical issue.

So - and I mean yes, I agree, they might not have read the whole report as it was quite a substantial report and they might have focused on the executive summary which might mean that they missed certain points.

But still it does show in my view that there is interest in the issue.

Joe St. Sauver: Well that kind of reinforces the thought that we had to finish up and get the report out then, eh?

James Bladel: Yeah, I think that that's a - probably what we should be - perhaps one way forward would be to - and this is James, I'm just throwing this on the table, perhaps one way forward would be to take the small subgroup that we had developed of regular attendees.

And begin the work of organizing and soliciting the comments into the report and then preparing to release that for council to comment.

With the understanding that we're probably not going to make any material changes to the body of the report at this time beyond just adding comments.

I don't know, thoughts? Am I oversimplifying that?

Marika Konings: Just to mention there what we did in another working group on the transfer policies, indeed like incorporate the summary of the comments into the chapter that deals with the constituency statements and the public comment period.

And then integrate any comments that we felt weren't discussed or weren't addressed properly by - in the report itself to integrate those on the - you know relevant spots. So that is an approach that the group might want to consider.

Paul Diaz: Marika can I ask sort of one question, maybe it's a very dumb and simplistic question but I want to ask it anyway. When a group like this makes a set of recommendations, is it making a set of recommendations bearing in mind what ICANN has to remit to do?

Or is it making a set of recommendations with respect to the issue generally.

Marika Konings: It should take into account ICANN's remit and normally we get as well legal counsel to have a look at the recommendations because otherwise it wouldn't be appropriate for the council to consider.

I mean Glen you might want to jump in there, I don't know if in the past that has happened where certain recommendations were deemed out of scope and whether they were still discussed or just left aside, I don't know.

Paul Diaz: And one could say one reco - you know the group recommends a policy which would be - and then you have to consider scope in or out for ICANN. The group can also recommend other things that don't have to do with policy making. I guess it's conceivable that the group could recommend that - a best practice for example, is that true?

Glen Desaintgery: Yes indeed.

Marika Konings: Yes, but then there's of course you cannot enforce it if it's not you know within scope.

Paul Diaz: Exactly, it's not enforceable, it's not policy recommendations. But it's a recommendation nevertheless that the community could take away.

Martin Hall: The reason I asked the question is it seemed like there was some confusion over what things might be in scope or not in scope for ICANN. And you know when I look at this issue as a whole, I'm looking at it in terms of you know what can or should the industry or various constituencies in the industry take responsibility for?

And you know that includes ICANN but it doesn't exclude other constituencies. And so potentially, I don't know if there's precedence or if it's appropriate but one option is to come up with a set of recommendations and to talk about more explicit saying it's not clear with some of these whether ICANN has a remit for them.

That doesn't mean they're not good and positive recommendations and outcomes of the work of a group like this.

Marika Konings: I think that was actually one of the recommendations or one of the ideas for next steps that was raised in the report, look at the different ideas raised throughout the report and identify like which of those would be best practices, which of those would be you know just generally recommendations in whose those can be ICANN policy or ICANN actions basically.

Martin Hall: I would support that.

Paul Diaz: I would also point out that it's not our job to decide what's in scope or not. We can certainly - I mean there's clearly some things that we could talk about that aren't in scope like you know what color is the sun?

But it's - from what we've got here we certainly are raising issues that demand the - that somebody, GNSO or whoever make a call as to whether they're in scope or not.

But for us to provide recommendations, I don't think we have to make a hard call at this point whether they're in scope or not.

Marika Konings: So where do we go from here is the question.

Man: Don't we review the comments at this point or does that have to wait until we have more folks on the call?

Paul Diaz: I have a question about that. I mean if folks don't come to the calls or participate on the list then I mean they're just - they don't seem like they're interested in having a - in participating. And they've had the opportunity but those who show up are the ones who are going to be voting on - you know what we have consensus on.

So I mean we can't - I don't see any option but to go ahead and resolicit participation. But at some point we do have to go ahead, don't we?

Marika Konings: Can I maybe suggest then that following this call we'll get out a message to everyone saying okay please confirm whether you're still interested and still willing to participate.

You know we're now at the juncture where we need to decide how to move forward. You know these are some of the options and if I understand correctly from those of you on the call now, that most of you would like to get to a final report in you know some shape or form, basically incorporating the public comments.

And maybe seeing whether there are any recommendations that the group can agree on. And get that out to the list and get people to confirm whether they're still willing to participate or still willing to you know get to the next stage.

Or whether they are no longer interested and they need - as you said these are the people that are still committed enough to get this done and discuss it going forward. Does that make sense?

Man: I think it's as good approach as any.

Paul Diaz: Yeah, I agree - okay, I was just going to agree and ultimately what other choice do we really have? Because if we keep waiting for groups, okay last week there was genuine confusion with the time shift, meetings - all ICANN meetings were screwed up last week once the clocks changed.

But you know this week it was well announced and whatnot, and yet there's just a small core of us from the kind of broader group.

I think it's safe to assume this is going to be more than norm moving forward so I mean I'd argue let's take it upon ourselves, review the comments, make whatever text changes.

We can post it to the list, maybe we can grab a couple more people when they see something put in front of them to get involved. But let's just try and wrap this up and for what it's worth going back I agree with Greg.

I don't think FastFlux is going to be considered within scope for the other PDP initiative underway is a use of domains.

And I would much rather let's try and wrap things up in this forum and honestly be done with it.

Joe St. Sauver: My one concern about the proposal there had been mention of adding folks at this point. I can just see us kind of going ahead and then having to bring everybody up to speed and get their conflict of interest statements and so forth and so on.

I think that's going to go ahead and really kind of you drag things out. So my preference would be to go ahead and try and get things done as folks had mentioned rather than having to go ahead and kind of you know iterate again.

Marika Konings: Yeah, I agree there because I think as well bringing on people on board now will probably take us back to square one on some of the discussions probably.

James Bladel: Yeah, and I'm sorry I wasn't clear. I hadn't anticipated that that would include new members. Resoliciting from the pool of folks who have participated in the past, so.

Joe St. Sauver: I think that's fine, see if you can't give them a shock prod and you know get them to engage again, that's great. But yeah, the other thing is I'm sure people are just busy.

And they think that the majority of the work is done at this point even though that may not be a correct perception.

James Bladel: Sure.

Paul Diaz: Yeah, totally agree with Joe on that. I think a lot of people thought oh, wait a minute, they're still doing that, I thought we wrapped it up.

And we probably just need to clarify.

Marika Konings: Yeah, so we'll get an email out communicating that message and hopefully we'll get some feedback for people whether indeed it's just the fact that they thought it was already done and dusted or whether

you know they have other things on their mind and you know can't focus on this any more.

So you already want to have an initial discussion now on the public comments or we just leave that to our next call when we hope we have more people or confirmation that you know this is the group that is going to review this.

And you know decide how we'll be integrated in the report.

Joe St. Sauver: We went in and did a pretty nice summary of the comments already didn't you?

Marika Konings: Yes, I produced a summary and what I did as well, I don't know if anyone had a look at that because Avri asked whether it would be possible like to categorize some of the comments.

Because you know I think from the presentation it was quite clear that there are you know a number of comments that actually are in the same box.

So what I did is create some kind of table which would hopefully make it easier to review the different comments and the different categories and decide on whether you know they require some specific attention somewhere in the report or whether it's sufficient as they are covered in the summary.

Paul Diaz: How long would it take you to reorganize them, to regroup them Marika? Because honestly it's been a while, I'm looking at the date,

February 18, I was going to say at least a month since we looked at your summary.

Have you already started working on grouping these as Avri asked or were you waiting to do that?

Marika Konings: Well I've done the grouping in Excel, no I think it was just a - I sent it on to the PDF and the PDF table. So I don't know that it was actually sent for the previous call and there I've grouped the different comments, basically the short description, who submitted it.

And then you know the different boxes to fill in by the group. But you know people haven't had a chance yet to look at that, maybe it's something then to take to the next call and you know if people liked it the template of that might have gone through different comments in a more structured way.

And look at the different issues that were raised. Because basically what I found, I think I have - let me check, like nine different categories of comments, so basically going from the issue of legitimate versus illegitimate use of FastFlux.

That was one category on the negative impact of FastFlux and digital device. There's another one on FastFlux is not the problem, ways in which registrars and registries can restrict Fast Flux, the definitions of FastFlux to all of ICANN.

Who is benefiting from FastFlux, who would benefit from cessation and then next steps, possible solutions. So all the comments have basically been grouped on these - underneath these different headers.

But I said I mean I can circulate it again ahead of the next call so people can have a look at see whether they find another useful way to review the comments and decide how to deal with these.

Martin Hall: Marika, I thought what you did was terrific in terms of this categorization stuff. Just a comment on approaches here, one approach is to go through everything in the next call I'd suggest item by item.

Another approach is that people do some pre-work and we prioritize the things that we don't think get covered in any you know significant or appropriate way in the existing report and we focus our discussion on those.

Marika Konings: That would be great.

Martin Hall: You know Joe mentioned that point that got brought up which I thought was terrific and not something that I was aware had been discussed previously.

Joe St. Sauver: Yeah, it caught me completely by surprise, I hadn't thought about that one at all.

Marika Konings: So if everyone agrees with that, then that's something we can put in the notice. I think you know we have two messages going out, the first one is saying look please let us know if you're still interested and you know these are the options we're considering for you know moving ahead and getting to a final report.

And then the second will be for the next call, you know this table, the summary of the public comments and with a request for people to review this and come to the meeting with you know the prioritization of comments they would like to review and discuss.

And the discussion can even start on the mailing list. Does that make sense?

Martin Hall: It seems to me that would just be sort of more efficient, then we're going to say up front what we're going to do is choose the ones that we think you know are relevant to discuss and we just discuss those rather than going through every single one.

Marika Konings: I absolutely agree but from experience I've found that not everyone is able to do that in advance and often rely on you know having that possibility on the call.

But you know hopefully this case it will be different. So with that is there anything else anyone would like to discuss at this stage? And is everyone fine with having a next call next Friday?

Man: Yeah, that's fine.

Marika Konings: Same time?

Man: Yeah, that's good.

Marika Konings: I probably won't be there but Liz will step in and you know she's been involved in this group before so it shouldn't be a problem.

We'll get the messages out in the meantime that we just discussed and hopefully we'll have a bigger group together next week. So with that I thank you all for your time and wish you a good weekend.

Man: Thank you Marika.

Man: Thank you Marika.

Man: Yeah, take care Marika.

Man: Thank you, bye bye.

Glen Desaintgery: Thank you. Marika?

Man: Bye Glen.

Glen Desaintgery: Bye, thanks.

END