

GNSO
Inter-Registrar Transfer Policy A PDP Jun08 Working Group teleconference
18 November, 2008 at 16:00 UTC

Note: The following is the output of transcribing from an audio recording of the Inter-Registrar Transfer Policy A PDP Jun08 Working Group teleconference on 18 November 2008. 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-irtp-20081118.mp3>

<http://www.gnso.org/calendar/#nov>

Participants present:

Paul Diaz – Registrar - working group chair

Mike O'Connor – CBUC

Sébastien Bachollet – ALAC

James Bladel – Registrar

Marc Trachtenberg – IPC

Kevin Erdman – IPC

Staff

Olof Nordling

Marika Konings

Glen de Saint Géry

Absent apologies

Barbara Steele – Registry constituency

Paul Diaz: Okay, thank you. Glen, are you there?

Glen DeSaintgery: Paul...

Paul Diaz: Yes...

Glen DeSaintgery: ...do you want a roll call?

Paul Diaz: Yes, would you please?

Glen DeSaintgery: (Unintelligible) (Michael O Connor Sebastien Bachollet, James Bladel , Paul Diaz, Marc Trachtenberg and from staff Olof Nordling, Marika Konings and myself.

Paul Diaz: Thank you, Glen. And please note that Barbara Steele had sent her regrets.

Glen DeSaintgery: (Unintelligible). Is there anybody else?

Paul Diaz: I did not receive from anybody else, just Barbara.

Glen DeSaintgery: Thank you, Paul.

Paul Diaz: Okay everyone. Thank you for being on the call again today. We'll dive into it in just a moment. I do have a question for the group - an administrative question really. The timeline that we laid out for ourselves was admittedly - hello (Kevin). We are just getting underway. Perfect timing.

The timeline that we had laid out was admittedly pretty ambitious. However, as we had noted, we thought we'd be into the second round of public comments and constituency statements. As we have not finalized our initial report, the timelines necessarily slipped. That in and of itself is not a problem.

The question I have for the group however is how far does the group feel we should go in working through what we were discussing yesterday and what we'll discuss again today - the partial bulk transfer terms. How much detail does everybody want to thrash out? Or do we want to try and, you know, get through the - perhaps the key issues. Get them into the report, get the report out there so that we can start getting some public and constituency feedback, and we can continue our discussions in more detail in parallel.

The question or concern I - the reason I pose it is that it's very easy for me to imagine we could spend quite a few calls going through things in great detail to put into the report and then we're still probably going to have to make adjustments once we receive feedback down the road.

With holiday schedules coming up and whatnot, I anticipate the comment period is probably going to run until likely the very end of December, maybe even into the beginning of January anyhow. So there will be time for us to continue discussions if we want to wrap up.

I really don't have a strong opinion either way. I want to poll the group and get the sense. Let's make this a group decision. Anybody who has any thoughts please weigh in.

James Bladel : This is (James).

Paul Diaz: (James) go ahead.

James Bladel : Hi. So I was just thinking that if we don't hash out at least a basic definition of terms before we seek second round constituency

statements, do you feel that we're going to receive a lot of constructive input in those constituency statements? Or are they just going to say we're waiting for further detail?

Paul Diaz: Yeah, a very good point and I should have been clearer. I think at a minimum that we as a group ought to take - based on the conversations last week, the discussion that you guys started on the (list), today's call, maybe one more call. You know our minimal goal should be to have basic terms defined in the report for people to comment on.

If we leave it totally wide open, I think it will become almost impossible to absorb everybody's input later on because I'm sure as many people respond will have their own point of view. We need to give them something to work off of.

James Bladel : Right.

Paul Diaz: The question - the concern is that how much detail do we need? Basic terms or should we try and, you know, kind of fully flush out what we as a group think those terms should look like and, you know, hold off on the public comment period. And again, that's the question I have for the group. Which way do we want to go?

(Kevin): This is (Kevin). I have one other thing that I think we ought to think about. It seems to me that as we were discussing various alternatives, there's a class of things that we're talking about, which is sort of the steady state operation of the protocol and there are some that would require sort of a transition.

That maybe if we frame ourselves as - just trying to put together our model of what we think that the steady state protocol ought to be as the sort of threshold baseline we need to get to and not worry about things about transitioning from the current system (unintelligible) you know (model system).

Paul Diaz: Okay, (Kevin). That makes sense, but just help me understand. Steady state versus transitioning. Are you talking about the various scenarios that we've talked about that a partial bulk transfer might take place? So that you know when the registrar is - will continue to exist. In other words, that the scenario that we were talking about - maybe they send only a part of a portfolio over, but registrants will have the option of sticking with. But the registrar - I'm just not - I'm sorry clear on the terms using steady state and transition.

(Kevin): Yeah. Yeah, no. Fair question. What I'm trying to say is that whatever we're proposing now will require a change in existing rules and protocols and all of that. And some of our discussion has centered on some of the difficulties of modifying our current - whatever is going on currently with what's being proposed, and then some of it is just how it ought to operate within the abstract.

And that's - my thought is to not worry as much about some of the issues of well what would have to happen between what's in the (well) now and actually implementing new protocols, but just worry about what those new protocols ought to be.

Paul Diaz: Okay, understood now. How does everyone else feel about that? Don't all respond at once. It certainly makes sense to me, (Kevin), and I

appreciate it. Barbara is not here with us today. I think she would probably be very much in agreement with you.

Because from the transaction side, the registries of course will be very interested in understanding, you know, what are we recommending in terms of just the - sort of the mechanics of it all and the broader discussion about all of the potential possibilities, and nuances, and whatnot. Those discussions can continue, but they first need to know what those sorts of bottom line details are.

(Kevin): Exactly, yeah.

Paul Diaz: So certainly that's an excellent point and we will focus on those. Let's consider those the sort of basic terms that the group needs to focus on - include in our initial draft - in the initial report that is. And if we can put more flesh on the bones, terrific. But those key requirements at a minimum we need to focus on.

Okay, do others have any opinions they want to express now in terms of where we're - where we should be going with this?

(Mike): This is (Mike).

Paul Diaz: Hi, (Mike).

(Mike): I think we have to have enough out there that people have something that they can respond to without getting too off the track. I have a feeling we can probably get pretty close in a couple of weeks, but I think what I would like to do is sort of leave the option open at the end

of the call next week to sort of take a look at where we're at and say, "Are we there?"

And if we're all comfortable at that point, you know let it out of the gate. But maybe give ourselves a chance to make that decision once we're a little bit closer to the final result.

I think the goal of getting done quickly is a good one. I would support that, but we may find that we just need a little bit more time once we're through it.

Paul Diaz: Good points. Yeah, we don't need to rush. You know quality work is more important than just dashing to the finish line. Is everybody else basically in agreement with that?

Man: Yeah.

Paul Diaz: Okay.

Sebastien Bachollet: It's (Sebastian). I just wanted to ask one question besides that. The discussion we had in (Cairo) with (GNSO) was about (unintelligible) - it was included in our (chapter) or not. Do you feel that we have to take that into account? Or any of the options you suggest are inside this (scope) and we (don't) get any feedback from the (GNSO) saying that we were out of scope?

Paul Diaz: Refresh my memory, (Sebastian). What in particular? What are the scope questions?

Sebastien Bachollet: It was at the end of the discussion with the (GNSO), the member of the - the working group who was there and there were discussions. And I guess if I understood well, the bulk transfer is really inside our scope or not.

Marika Konings: This is Marika. What was discussed at that stage was that in principle, the charter talks about partial bulk transfer in the context of between registrars. And I think what we discussed at the council meeting was whether the option of having registrants profiting or benefiting from that option might be outside of the scope, and that would potentially be something that the Council would need to review whether that could be included or not if they group would decide to look into that. That was my understanding.

Paul Diaz: Yes, I agree Marika. And again, the charter question that we have in front of us very, very clearly says, "Discuss possible partial bulk transfer (terms) between registrars." So the idea that a registrant could independently initiate a partial bulk transfer, that is beyond scope. That is not part of our charter and that's not what we're discussing right now.

(Mike): (Just stated) for the record.

Paul Diaz: Hi, (Mike).

(Mike): Just because a transfer is between registrars doesn't mean it can't be initiated by a registrant. It doesn't make any sense Paul.

Paul Diaz: That's a good point, (Mike), and fair enough, but registrars will be involved in facilitating the process.

(Mike): No question about that.

Paul Diaz: Okay and I think we're in agreement. Yeah, let's just be clear. There is - it may have been suggested previously that a portfolio holder and a particular domain could say, "I want to move. Have my names moved to XYZ registrar," and that they would have the ability to do that without the participation of their existing registrar of record. That's what I'm saying is beyond the scope. It has to be a - the terms need to involve the registrar - both the gaining and the losing.

(Mike): Okay, I never understood that someone was advocating that the losing registrar be completely cut out of the process.

Paul Diaz: Yeah and you know when it was first broached, I think that was actually a garble. You know so the time that was spent at Council even suggesting that might have come up might have been kind of a red herring because I think it was something of a garbled interpretation. I think everybody has always understood it as you and I have just explained it. If a registrant says, "I want to move," they work with the two parties and - the two registrar parties and there you go. That's a transfer.

(Mike): We're just talking about making it easier for registrants to ensure that the losing registrar acts in a timely manner without throwing up unnecessary roadblocks.

Man: And once again to emphasize that there's nothing - those services exist for registrars. I can think of one that I'm familiar with that is seeking those types of customers and will jump through those hoops

as a matter of customer service and to win that business. So you know there's nothing that's preventing that from happening now.

Paul Diaz: Other than a recalcitrant losing registrar who may be trying to put up unnecessary roadblocks. And of course folks for - you know we are in PDPA and future PDPs, their charters will specifically look at some of the practices that losing registrars are involved in that make a transfer in a view unnecessarily difficult if not impossible.

So let's just remember that, you know, our charter is focused on our three questions - some of those broader ones. Hey, if you need more of this, don't worry there's plenty more to come down the road.

All right, in the interest of time then because you know if we're hearing everybody right, let's you know get back to the real substance of our discussions then. We will - you know agreed then we will, you know, move forward, take the time that we need trying to define the fundamentals, the terms, the fundamentals of a partial bulk transfer.

And per (Mikie)'s suggestion - I think a good one. You know by the end of this call, we should have a good idea - certainly during the call next week. It's - I'm sorry. I had a little (feedback). Does somebody want to make a point?

Man: I believe that's the sound of someone blowing their nose.

Paul Diaz: Fair enough. You know through this call and then, you know, by next week, we can determine where we stand and get a better sense of, you know, do we need to work to draw to a close or we simply still

need more time and we're making actual progress. We'll deal with those things in next week's call.

So what I'd like to do then for today to help us really focus on the key terms, (James) and (Mikie) have been working on these exact concerns - issues that we have in front of us. The email that was posted to the list just before the call from (James) is useful because okay we have it in black and white. We can just kind of move through the issues that are raised in the email trying to distill the essence.

What are the things that we really need to discuss, focus on, and try and get into our initial report for comment, and then the broader issues, some of the nuances, et cetera that we can continue in our discussion in parallel with the comments that we'll be expecting from the community down the road?

So if I can ask folks if you can pull up that email so we have it in front of us. You know it will just make it easier instead of everybody kind of orienting and figuring out where we need to go in our discussions for the rest of this call.

The first and most fundamental, you know, would be, you know, defining the terms of the partial bulk transfer. Getting back to (Kevin)'s point, what are the mechanics, the absolute essential mechanisms? And you know we still have kind of danced around. We've touched upon, you know, the number of names that might be involved you know if a partial bulk transfer takes place. Bulk transfer implies that the name changes registrar of record, but there is no extension of the expiration date and there is no registry fee for that.

In a partial bulk transfer, is that what folks want or are we talking about, you know, some sort of different beast where we're helping consolidate a certain number of names, but those fees would apply? You know let's talk about that and make sure that we're all in agreement in terms of what is it.

Is it more of a traditional transfer rolled up trying to facilitate the movement - not a one off transfer process? Or is it like a bulk, but some new beast that's partial - that's only a part of a portfolio, but there's going to be no additional fees that are involved?

(Mike): Paul, this is (Mikie).

Paul Diaz: Yeah, go ahead (Mikie).

(Mike): First I want to make a disclaimer. All of this document was written by (James). It's a brilliant document and I don't want to take any credit for it.

Paul Diaz: Okay.

(Mike): You know I did nothing compared to what (James) did, so I just want to point that out.

And I think that one of the things that we probably want to do is go through these scenarios one by one. And I think in some cases, fees may apply, and in other cases, they may not as may other things.

What we were working on in our correspondence and our phone call was sort of trying to figure out how to figure this out. And where we

wound up was first let's describe the various circumstances that might trigger one of these things. And then once we figured at least the majority of them out, what we were really zeroed in on was the issue that I was raising in terms of the registrant's ability to opt in or out. But you know we could also talk about fees, we could talk a bunch of things.

Paul Diaz: Okay.

(Mike): And I think that the Rosetta Stone here is to try and get through that list of scenarios that this thing might be used in first and see what that produces in terms of ideas.

Paul Diaz: Okay.

Olof Nordling: A quick comment from Olof here since we worked on - Marika and I - Marika sent out well earlier on with scenarios. And well, I just wonder when we compare those one to four where the numbering is different but they seem to be rather similar, so we also need to consolidate from which lists we're working.

Paul Diaz: Good point.

Man: At this point Olof and to be fair, (Mike). (Mike) and I were just writing these from memory from several emails and phone calls since our last teleconference. So if there is a comprehensive or authoritative list of scenarios somewhere, I would recommend that we use that instead.

Olof Nordling: I just wonder - well actually, I'm not entirely sure that they are exactly identical. So - but maybe we need to identify the scenarios that we are

dealing with. And whichever we're starting from, at least have that perhaps clearly spelled out at the outcome of this meeting. So (your choice) whether we start from (Marika's mail) or from (James' mail), but we need to at least spell out the scenarios rather clearly and be certain that we're talking about the same things.

Paul Diaz: Okay, since I'd ask everybody to pull up - I guess it's (James)' email, the most recent one to the list. Either Marika or Olof, do you have the previous (iteration)?

Olof Nordling: Yes, it was sent last Thursday, so...

Paul Diaz: In the interest of identifying our scenarios, why don't we just start with what - (James) has listed it at number 1. The registrar discontinued registrations within a particular TLD, but is still accredited operational (unintelligible). How different is that from the characterization that we may have provided in the previous (unintelligible)?

((Crosstalk))

Olof Nordling: That's...

(Mike): I just sent the previous one to the list again. It should be rolling into your inboxes in a second.

Olof Nordling: Now let's see how that maps. Yeah, for example, it's pretty close to scenario (Roman II) in that one. I think it's clear - well, the coverage is slightly different.

(Mike): I think that the difference is that - what (James) was laying out and really what the two of us were talking about are sort of a little bit more business case kinds of scenarios.

Olof Nordling: Okay.

(Mike): Whereas the ones that Marika wrote are more descriptive. This may be - this is starting to feel like one of those ones where rather than doing it on the call - Marika I'm curious if it makes more sense for you in sort of the quiet of your office to sit and look at these and do the mapping yourself rather than trying to do it on the call.

Paul Diaz: Yeah and thank you (Mikie). You are making - you made my point for me. I was going to ask if that would be burdensome, Marika. Just because I think if you can blend them so that we see it in writing. And if a blend doesn't make sense to you, then just list it as an additional scenario. And then as a group when we have it in black and white in front of us, we can say, "Right, we understand," and decide how to either further refine or move things around.

James Bladel : This is (James) and I would be more than happy to schedule a separate call with Marika just to help to reconcile those two lists and make sure that we're covering everything.

Marika Konings: I think that might make sense. Because now having a quick look, I think number 1, 3, and 4 on (James)' list seem to be covered in the different scenarios I addressed. That's what I'm - that's how I am interpreting them. (Maybe number 2) is maybe a little bit different, but maybe again there may be - yeah, I might make sense (James) that

you and me speak about it and see how we can integrate both lists into one.

Olof Nordling: Yeah, I would say that it seems like (James)' 2 is perhaps a new scenario to be added.

(Mike): Yeah, I think that's right.

Marika Konings: I'll contact you offline and try to find a time when we can speak, okay?

James Bladel : Okay, this afternoon or tomorrow I know you're UTC, right?

Marika Konings: Yes. Well, UTC plus 1.

James Bladel : Plus 1, okay.

Paul Diaz: Okay, then as we await that, I think as a group we can recognize that, you know, we will have these four, probably five scenarios that we lay out. But then sort of moving to the next part off of (James)' email.

And then for each scenario, the group should consider - and you know maybe we should start discussing some of these recognizing as (Mikie) said in some cases certain particulars may apply to one set of the scenarios and not the others - in particular fees. But let's see if we can start flushing out what some of these key terms or fundamental aspects of a partial bulk transfer.

James Bladel : Paul.

Paul Diaz: Yes.

James Bladel : This is (James). I think the first, you know, litmus test or preprocessing that we should do for each scenario is just to kind of run through in the absence of a partial bulk transfer how is this accomplished or achieved now. Are there existing tools or existing procedures that can do the same thing? And would a partial bulk transfer necessarily be something new or just a different way of accomplishing the same thing?

Paul Diaz: Okay.

Olof Nordling: Olof here. If I might say that's almost an overriding question, which we should - well if we have a number of scenarios and then we have a number of questions of which you have put down four and I think there may be more. But one of the overriding questions is to (match this) to (Karen)'s processes.

And sort of does this map to something that's already existing in a general sense. And so I'm taking almost one step backwards and trying to (inventorize) all of the questions we need to ask and I think that's a first and foremost one.

(Mike): Yeah and I think the two of you are agreeing with each other and I would agree with that as well. If we've got a tool that's already in place that's got policy around it and it's all ready go, we would be I think well advised to use that tool rather than invent a new one.

Man: Unless there's some, you know, fatal flaw in that existing process that doesn't address the scenario.

(Mike): Right.

Paul Diaz: Okay, very good. Then why don't we take a crack at it? Let's look at - I guess what (James) - what exists on both (James)' and Marika's lists. You know so the first one is, "A registrar discontinues registration within a particular TLD, but is still accredited in operational and others." So in this scenario, they will no longer support particular names in a particular name space and those names, you know, they are looking to move to a registrar who does support that.

Is - let's think about it. What mechanisms exist?

Man: Boy, I'd really like to have Barbara and some other registries chime in on this one.

Paul Diaz: Agreed and Barbara is really very good about it. She said she would listen to the call and I'm very confident she will. So I (unintelligible) to respond on the list. Once we get sort of our synthesized scenarios list together, she can weigh in on that. But the - I guess I mean for us right now, we can at least look at I guess in the scenario. So the question is you're going to move - a registrar would need to move a portion of its portfolio to some new registrar because they will no longer support those particular - that particular TLD.

And so the question becomes do we need a partial bulk transfer mechanism in order to do that? I guess if you are - and I'm doing this quickly on the fly so people stop me if I go off course. But in my view, that means that it is no longer supporting a particular TLD.

What's called the losing registrar in this case is going to terminate the particular amendment to their RAA that governed that particular TLD. In which case if they are no longer an accredited registrar for that TLD, then wouldn't the existing bulk procedure apply? Because obviously, all of the names in that TLD need to move.

Olof Nordling: And to launch that in a sort of voluntary fashion informing all the registrants that, "Well actually we're ceasing this part of our operation so please request a transfer," doesn't sound very practical. I wonder how to do it today really.

(Mike): Yeah, that's where Barbara would be really helpful.

Man: Has this every happened? Has this scenario ever played out in the real world?

Man: I don't think it has.

(Mike): Yeah, not...

Man: (Unintelligible) is a type of scenario that the bulk transfer process contemplates.

Man: Okay.

(Mike): Is bulk transfer kind of constrained by a GTLD - so if I had five GTLDs and are getting rid of one as a registrar. Is bulk transfer all of the domains in my registrar customer group or is it sectioned by GTLD?

Paul Diaz: I would argue - and you know we can put this question specifically to Barbara to ask our constituency members (when they get back). But I would argue if the bulk transfer policy does apply - because what you're talking about is all of the names within a particular domain space that would be moved.

So you know all of my .org names aren't necessarily going to have to deal with PIR. That registry operator is going to have to initiate the bulk transfer process. The fact that I'm still offering (com, net) info or whatever else, those are different registry operators.

(Mike): Yeah, that makes sense to me too.

Paul Diaz: You know in my mind, a partial bulk transfer is going to be focused more likely on the scenario where you have, you know, different extensions scattered across. And for whatever reason - maybe because again it's initiated a particular registrant wants to consolidate a portfolio. They are looking for the ability, you know, to simplify the process and not do it one off. And so you know that's -they are seeking a new partial bulk transfer term, which would provide the terms of a bulk transfer, but across multiple TLDs.

(Mike): I think I'm with you until the multiple TLDs. I think you could wind up with a subset of a GTLD, but only one you know depending on the portfolio that was being moved or the circumstances. So sometimes, yes, but maybe...

Paul Diaz: Okay, but maybe in both cases.

(Mike): Yeah.

Paul Diaz: High profile names, high value names. For example, they want to move to somebody because they feel that registrant has better security for example.

(Mike): Yeah, right.

Paul Diaz: But there may still be additional -- we'll just use an example -- .com names that would remain with the original registrar of record. (Could be for sure).

(Mike): So I think that what we may have just arrived at is that (James)' scenario number 1 and Marika's scenario number 2, which I think are the same, may be something that is in fact describing a bulk transfer and that we could eliminate those two from our list of scenarios.

Paul Diaz: Do people agree with that?

Olof Nordling: Olof here. I think that's - to start with it, it's again a question that we need to seek the definition of about a transfer - full about the transfer. Whether that's really seems to be covered by that definition or whether the definition of the bulk transfer, a full one, should perhaps be tweaked a little in order to cover that particular scenario. Because it sounds like - we may be right, but I mean I can't tell from off the cuff at all.

So - but I think there's a bit of homework due for us to see if that's yes or no. It would be regardless a bulk transfer with the text for full bulk transfer as it stands or whether that should be something that should be considered to be changed (within) that definition.

Paul Diaz: Okay, to that end then, we can do this in two parts. I can put the question to Barbara and I'll do it on the list, and then she can reach out to the registry operators in her constituency to get their interpretation of what bulk transfer means.

Can I ask Olof or Marika if either of you can reach out to perhaps (Dan) or somebody in legal that I can't to get their definition as well to make sure that we have consistent think. It's quite possible that registry operators might (punt) to you all anyway and say, "Well, what if I can't think on this," before they want to give their own view. But if we work in tandem, hopefully we arrive at the same answer and we can take it from there.

But ideally like I said, I will pose my question to Barbara and the registry constituency on the list. If you want to reach out to (Dan) and then on the list if you could provide us the answers so that coming into the call next week we'll at least have this one cleared up in our minds.

Olof Nordling: We'll take that homework on and check in with (Dan).

(Mike): This is (Mikie) again. You know as I'm looking at these, I think that our report would be really helpful to people if we left the scenario descriptions as business situation descriptions much like what (James) did as sort of a frequently asked questions sort of format.

So, "I'm a registrar and I want to discontinue registrations within a particular GLD. Which process should I use" and then whatever our answer is - you know bulk transfer or partial bulk transfer. I think that would be a really useful way to describe this in the future so that when

people are trying to figure out what to do, they know which process to (follow).

Paul Diaz: Okay, if the group agrees, then we would for right now continue to keep number 1 but have an explanation saying that, you know, based on consultation with ICANN Legal and registry operators -- I'm just making this up for now. But we believe that this is a - you know falls under the standard bulk transfer policy. You know, "Please see those terms to execute the move."

(Mike): Right.

Paul Diaz: All right. Yeah and laying out that way of course what we're working towards is that initial report - gesundheit. The initial report - you know in our final report if we've addressed all this and nobody in the public comments takes issue with anything, you know we can decide whether or not we even need to include scenarios that do not involve a partial bulk transfer in the final report that goes to Council.

(Mike): Yeah and I guess that's what I'm lobbying for is if not in our report, it would I think be useful in someplace, some form of documentation, to have sort of a roadmap for registrars, registries, and registrants as to which process to use under which circumstances.

Paul Diaz: Okay, sure. Well for now, absolutely we'll include it in our report and maybe it will make sense to everybody to keep it there as a public record.

All right, I guess if we - yes, please. Another question?

Man: Well I don't know if this would be helpful, but I found the actual bulk transfer language. So I don't know if kind of discussing that would be helpful, but it seems to cover scenario number 1. It's in the Policy and Transfer Registration Between Registrars.

Paul Diaz: Okay. You know I think Marika did it in the past. But (Tim) could you just - to make it easy for the rest of us, can you simply copy that and paste it to the mailing list so we can read along with you?

(Tim): Certainly. I will do that right now.

Paul Diaz: Thanks. We might even have that on the wiki, but for right now we're all on email. That's the easiest place to look at it. Okay.

(Tim): Let me know when you guys get it.

Paul Diaz: Okay.

(Mike): I got it. (Mikie) here.

Paul Diaz: If you could just skim over it while it comes in to the rest of us.

Man: I mean it would seem to cover this scenario depending on how you interpret, "All," in that first sentence. Because number 2 - you know lack of accreditation to that registrar or lack of its authorization with the registry operator, which is in the singular form, seems to suggest that - you know it means all the registrations within a particular (half level) domain.

(Mike): You know it could be it's not GTLD. Because it could be by registry rather than by GTLD.

Paul Diaz: Right. You know it may come down...

Man: Wouldn't that be the same thing though? The registry operator, which is the registry operator for that GTLD.

(Mike): Yeah, unless it's interpreted, you know, for all of the GTLDs that that particular registry operator operates. So you know (com net) in the case of...

Paul Diaz: Yeah. Well let's do this guys. We have homework if you will and let's put it to the folks who are in a position to make an authoritative determination. It may be that if they come back and say it's not clear, perhaps you know it will be within the perview of this working group to suggest clarifying language.

Because if we were chartered to talk about partial bulk - if in answering that question we say, "You know some of these scenarios that we've identified we believe should be already covered under the bulk," and clarify and tighten the language a little bit, there you go for, you know, making everybody's life easier.

So let's wait to see what we get back in terms of an answer from (Mike) in Legal and from the registry operators - how they interpret. And if - maybe they make a very clear determination. Or if there's ambiguity, then we can determine whether or not we should suggest clarifying language again under the rubric of we're trying to develop partial bulk

terms, but to avoid confusion and whatnot. Suggest clarifying language to handle certain scenarios.

(Mike): (Mikie) here.

Paul Diaz: Yeah, (Mikie).

(Mike): You know in terms of that homework, we might want to have folks that are doing that homework take a look at all of the scenarios that we've got right now with that eye in mind rather than just focusing on number 1, and get sort of a preliminary determination as to which ones the smart folks think belong in which category. That might jump us ahead a couple of notches by doing that.

Paul Diaz: Okay. In the interest of time, we've said that we feel that off of (James)' list numbers 1, 3, and 4 match up pretty nicely with what Marika has already provided in her previous. The new scenario if you will is this - the second one on (James)'s list.

(Mike): Yeah.

Paul Diaz: That the registrar (abandons) its accreditation voluntary - become a reseller. Okay, so then I know (James) and Marika are going to try and get together.

Marika Konings: Actually, I already just sent out a note to (James) trying to integrate the two, so maybe we can actually have a quick turnaround on that and then maybe send it out later to the list today even with a more consolidated version. (James) if you have a chance to look at it later today.

James Bladel : Looking at it now.

Paul Diaz: Okay, perfect.

Man: Actually, what's the difference between 1 and 2 on (James)' list?

James Bladel : Let me pull that up real quickly.

Paul Diaz: In number 2, the registrar may still offer registration services in the particular TLD, but now as a reseller - as an accredited registrar. Whereas the other one...

James Bladel : And the number 1 that it remains an ICANN accredited registrar, but in number 2 it abandons accreditation in all GTLDs and all future TLDs.

Paul Diaz: Okay, work that clarification into the synthesized text so that it's clear please.

James Bladel : Will do.

(Mike): And then I think once that new list is done, it would be great to take that new list to the smart folks and see what their reaction is in terms of bulk versus partial bulk.

Paul Diaz: Okay. All right, one issue just looking at it quickly. I have a little less than 10 minutes left and you know again, it was another excellent call and I appreciate everyone's time and inputs. And we will take however much time we need. You know let's get this right.

One thing I do want to touch on - it came up last week, it's here in (James)' list again. The issue of should registrants be given advance notification of an upcoming transfer? The question has been posed in the past of, "Well what currently exists? How does it work?"

Just speaking for Network Solutions and its affiliated registrars, we have in our service agreement terms that very clearly state that we may decide to stop offering a particular service at some point in the future. We provide consumers of those services registrants if it's a domain name. We will give them 30 days notice before ceasing a particular service.

So you know our experience is we do notify before we take action. It's not like we just do this in the dead of the night and they wake up the next morning and things have changed on them.

My sense scanning over service agreements for some of the other leading registrars is that they all have similar notification terms. The timing may differ, the amount of time that they give may be different, but it seems like at least that the larger registrars all have some notification terms built in to their service agreements.

So you know the challenge that we may have is that as a working group I don't think we ever want to become - put ourselves in a position where we are dictating business terms for registrars. You know that becomes a slippery slope if we come out and say that, "You must offer," - you know pick a number of however many days. You know some registrars may even use the amount of notification or whatnot as a differentiator in the marketplace.

So we need to think about how to kind of work with this one. Because most are doing it, but how do we deal with those who may not offer - may not have that built into their process? And/or how do we deal with different timeframes?

(Mike): One easy way to deal with it is to impose a minimum timeframe and registrars are free to exceed it. Paul this is (Mikie).

Paul Diaz: Okay, (Mikie).

(Mike): One of the things that is I think important to note is that the answers to these questions differ by scenario. (James) and I spent some time sort of talking about this on the phone. You know we were sort of comparing the registrar fly situation with a more voluntary situation on the part of a registrar. And so I think what we may want to do is save that discussion until we get our list of scenarios nailed down.

Because there are some cases where it's an emergency and notification can lead to some very strange situations. Whereas in other cases, it's a more - it's more of a business decision on the part of a registrar. And I think we want to make - we at least want to be aware of that and not accidentally build a rule that just doesn't make any sense in a given scenario.

Paul Diaz: Sure. When you guys were thinking this through, what sort of emergency might you have had in mind?

(Mike): Well, like the register fly shutdown where all of a sudden they are gone.

Paul Diaz: Okay.

(Mike): And you could imagine a situation where the notification is such that you can't get out of that because you've got this notification cycle that's sort of getting in the way.

Paul Diaz: Okay.

(Mike): And so it - I think it will be helpful once we get our little list of scenarios nailed down to be able to sort of go through each one and say, "Okay, does a notification make sense in this scenario? If so, what sort of minimum timeframe makes sense," et cetera, et cetera. But it may be one where it's not a blanket rule for all the scenarios.

James Bladel : And I think if there's an opportunity to consolidate all of the emergency scenarios into the - something that wasn't in place during the registrar fly incident, you know which would be some sort of a you know ICANN's de-accreditation process and (deregulation) process. You know if we can say that this is a sufficient safety net to cover all of those emergency situations now that we've got those put away, then what non-emergency obligations exist for notification.

Paul Diaz: Yeah, okay.

James Bladel : And then setting - I agree with - I believe it was (Mike) who said that having a requirement for a minimum notification window and then keeping that sufficiently small so that those registrars who are exceeding it are, you know, already going beyond what's required, would probably be the best way to approach that.

Paul Diaz: Okay, very good. All right, we only have a couple of minutes left. Do people want to keep chewing on this? You know is it better to maybe wrap it up now?

(Mike): Paul if I could, I'd like to...

Paul Diaz: Sure, (Mike).

(Mike): I don't know if it's the whole group or if you wanted to just take it offline with me afterwards, but I just want to know - we have a council meeting tomorrow - or Thursday morning. So I just kind of want to know what update I should be getting and hear from the group I guess whether there's any issues that we think the Council needs to be aware of with this group.

Paul Diaz: I think it's probably safe to say right now (Mike) that the timeline that we originally established was ambitious. That our discussions on partial bulk transfer terms are very positive, but they are taking more time. Therefore, I think we have - you know at least through next week's call, we'll continue working on the terms with, you know, a goal to take stock at that point and determine when will we be able to wrap up discussions to a degree that we can feel confident putting out our initial report.

(Mike): Okay.

Paul Diaz: And I think, you know, the initial report will be going out. At this point, the goal would be early December with the comment period to follow, probably carrying us into January.

(Mike): Okay, that sounds good to me. Okay.

Paul Diaz: And thank you for letting the Council know where we stand because like I said, I think we were overly ambitious in (Cairo) telling them that we might have this particular one wrapped up by the end of the year. That's not going to happen.

(Mike): Well I'm sure there won't be any punishment.

Paul Diaz: Fair enough. Others - any other questions, issues, concerns before we draw this one to a close? Again, we will be looking on the list for, you know, an agreement on the synthesized scenarios.

Once we've agreed to that, we'll push out our questions to our registry constituency colleagues as well as ICANN Legal and get some clarification on the terms that might apply for those scenarios whether bulk in particular would cover them or not. And then if we can have those discussions on the list, hopefully you know it will help us to hit the ground running next Tuesday at this time so we can continue.

And as we've just said to (Mike), we'll take stock in next week's call to decide, you know, how much more time do we think we need. Again, we're going to take however much time we feel we need. Let's get a good initial report out there, but you know probably on next week's call we need to start coming to a (head) how much time will that be, when do we feel we can put it out?

Because of course our discussions can continue in parallel with all of this while the public comment process is going on. And I'm sure as

those comments start to get received, that's going to influence our discussions as well.

James Bladel : Paul this is (James). Just a final recommendation that maybe if we could have someone put out an inventory or a shopping list of who has what homework assignment. I'd hate to let something drop and I know my name is attached to at least one. So...

Paul Diaz: Yeah, I think it's fairly simple, (James). I mean right now we're just looking - Marika has already posted to the list and obviously you are. I think she said she was going to post to the list. You know an initial effort to combine.

Marika Konings: I sent it out to (James) so it's - as soon as he gets his feedback in, I think we can (send it) to the list basically.

Paul Diaz: Let's do that then (James).

James Bladel : Okay.

Paul Diaz: Once it looks good to you, post it up. If everybody is in agreement, I would ask folks if we could do it perhaps by close of business today. I'm just asking for a little haste so that we can be in agreement on the list of scenarios and that we can then get those out to (Mike) in Legal and the registry constituency.

Just because of travel schedules and workloads and whatnot, I want to give them as much time to research and come up with answers for us. And again, if we do it on the list, we will all be able to see heading into next Tuesday's call.

So that was the only homework that I had (James). We're looking for that list and then I will push it out to registries and Marika or Olof will push it to (Mike) in Legal.

James Bladel : Okay, thank you.

Paul Diaz: All right. Well once again, thank you everyone for your time. Please keep an eye on the list, weighing in as appropriate, and we'll look forward to talking about this again next Tuesday.

Man: Thanks Paul.

Man: Thank you Paul.

Marika Konings: Bye.

Man: Bye.

END