

**ICANN
Transcription
IRTP Part D Working Group meeting
Monday 16 June 2014 at 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 16 June 2014 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-irtp-d-20140616-en.mp3>

On page: <http://gnso.icann.org/calendar/#june>

Attendees:

Barbara Knight – RySG
James Bladel - RrSG
Kristine Dorrian – National Arbitration Forum
Graeme Bunton – RrSG
Angie Graves – BC
Holly Raiche – ALAC
Volker Greimann - RrSG

Apologies:

Paul Diaz – RySG
Rob Golding - RrSG
Kevin Erdman – IPC

ICANN staff:

Amy Bivins
Lars Hoffmann
Berry Cobb
Steve Chan
Nathalie Peregrine
Terri Agnew

Terri Agnew: Good afternoon and good evening. This is the IRTP Part D Working Group call on the 16th of May, 2014. On the call today we have Volker Greimann, Holly Raiche, Graeme Bunton, James Bladel, Barbara Knight, Angie Graves and Kristine Dorrain. We have apologies from Rob Golding, Paul Diaz and Kevin Erdman.

From staff we have Berry Cobb, Steve Chan, Amy Bivins, Nathalie Peregrine and myself, Terri Agnew as well as Lars Hoffman. Sorry, Lars.

I would also like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, James.

James Bladel: Thank you, Terri. And welcome, everyone, to the IRTP-D Working Group call for June - what is this, June 16, 2014; the last call that we have prior to the ICANN session that will be convening in London. For some of you I imagine you'll be, just a couple of days from now, heading to your local airports and making your way over to London. So safe travels, everyone, and hope to see you over soon.

I'm dialing in using Skype from a remote location so if there's - at any point I drop or if there's audio problems and you're not able to hear me very clearly then please just indicate so in the Adobe chat room and Lars is standing by ready to take over the call if necessary.

So first off if there are anyone who has any updates to their Statement of Interest please raise your hand at this time. Seeing none then I would ask does anyone have any comments or edits for the draft agenda that was circulated on the mailing list and appears in the Adobe chat room?

Okay it's a fairly straightforward agenda and it really just focuses on going through the remainder of the comments that were received during the public comment period and making sure that they are accounted for in our final report. So, you know, if there are no objections we'll dive right in.

And, Lars, I'm going to ask for your help in navigating here because it appears that, at least for the first couple of comment sections, we don't have any action or we've determined as a working group that we've acknowledged

the comments but I believe it is currently in line with the draft initial report and therefore no changes or edits were needed for our final report.

I think that the first incident where that's not the case would be down on Item Number 6 where ICANN staff noted that there's null and void that potentially could be problematic and they've asked us to take a look at the wording of this phrase before we finalize our final report.

So if we can let's start there. Let me see if I can find the right zoom level so I can read this all in one page here. Give me a moment.

So the phrase "null and void" I believe is referring to the bit where there would be multiple hops or multiple transfers and that if a particular transfer somewhere in that sequence was determined to be invalid that reversing the transfer would cancel or avoid or nullify any subsequent transfers that have occurred.

I think that the question from staff was whether or not this could be revised to say something to the effect of maybe reverse at the discretion of the dispute resolution panel.

I think that the working group response is that this term, "null and void" was very specific in that we not only acknowledge that this was probably the most likely case but also we are having a difficult time imagining a scenario where a subsequent transfer would be upheld when a previous transfer was found to be invalid.

So I think that's the thing we were all, as a group, trying to get their heads around. But I certainly understand if there is some concern from staff. And, Lars, I don't know if you or Berry or any of the other members from staff can shed a little light here on the specific concerns or if we simply note that this is the intention of the working group to limit the discretion of the panelists.

You know, I don't know if you can shed any more light. Is there something that we are missing with this particular staff comment? Lars and then Kristine.

Lars Hoffman: Thank you, James. This is Lars. No, it came from the Registrar Relations Department and - Registrar/Registries - and they just wanted to preempt Any possible legal action that might supersede the outcome of a TDRP. And so they thought that the wording should be slightly softened to take that into account but I don't think they had a very strong opinion. So this is not a comment from Legal, it's a comment from the GDD department.

James Bladel: Thank you, Lars. And perhaps we can, in light of that, perhaps we can find equivalent however different language that doesn't have any legal consultation - connotation so for example saying something to the effect of all subsequent transfers are retroactively canceled, perhaps something like that might address that concern. Kristine.

Kristine Dorrain: Yeah, this is Kristine from National Arbitration Forum. Thanks, James. I wanted to just point out that I think my recollection is - and I think what you just suggested as language could possibly address my concern as well which is I think I remember this being an issue because the language did not describe a step or an action it described an outcome.

And we've noticed, in our years doing this provider work that simply providing for, you know, generally what you want to have happen is a lot less clear than telling people how it should happen or what the next step is or what the next - what the thing that should, you know, the action that should be taken is. And so that's a problem.

If you say "null and void" does that leave it too open to panelists, registrars, you know, whoever to interpret that to mean take this action or take that action? What action should be taken if something is to be null and void?

So I think that perhaps if your language, James, would have clarified that in saying there's to be no further, you know, all the transfers should be undone or whatever it is.

James Bladel: Okay thanks, Kristine. I think that's actually very helpful. And I think that then in light of that comment I would propose that we go even a little bit further and state explicitly that if, in the event of a transfer is found to be invalid and is reversed by, you know, as part of the dispute and returned to the original registrar that all subsequent transfers would be retroactively canceled.

And - and I would put this - this is why I put myself in the queue because I'm going back to something that Barbara I think had brought up previously, not to put you on the spot, Barbara, but I think you had mentioned something about well what happens to the fees that may have been charged to the, you know, by the registry to the other registrars? Are those fees refundable?

And is that something that we would even want to get into because they could be fees that had been assessed. There may also have been additional time added to the expiration of the domain name.

So I think we need to be clear as a working group, I mean, the simplest solution would be that all of those fees are in fact refundable and that those extra time, you know, the extra years that were added to the domain name would, you know, would have to be removed. Then you run the risk of the scenario where if they're at the end of the statute of limitations it's possible that that means - it puts the domain name into an expired state. So I think that that's where we start to get a little bit of a headache.

So, I mean, one possibility would be that restoring the transfer back to the original registrant before the dispute adds one year to the registration and that all of the fees subsequent to the invalid fee were refundable except there was one additional transfer fee assessed to return the name.

I mean, this is - I'm just throwing ideas out here but I think these are things that should be factors in our consideration. Barbara.

Barbara Knight: Thank you, James. This is Barbara for the transcript. So it does get very complicated to the extent that you do start I guess start rolling back fees as well as rolling back years. Not all registry operators may have tools to be able to roll back the years.

I'm not so concerned about rolling it back prior to a, you know, the statute of limitations impacts the expiration date because what'll end up happening is the next time the nightly batches for auto renews rolls through the registries they will be picked up and auto renewed at that point and then, you know, depending on who currently holds the name, again, the fees will end up being assessed to that particular registrar of record.

So it does get pretty complicated. You know, speaking from my perspective, you know, I'm looking at it from the registry operators and the fact that they could very well incur development expenses to the extent that we do need to start, you know, refunding fees. That can be done manually but the rolling back of years gets really a little bit more complicated. So from my perspective I would prefer not to roll back years nor to refund any fees at this point.

James Bladel: Thanks, Barbara. And what you said at the end there was where I was going to go with my next comment which is that there's a less registrar-friendly and more registry-friendly approach which is that all transfers that were retroactively cancelled the fees and the years that were added stick.

So unfortunately the registrars that executed those subsequent - and probably through no fault of their own and that probably goes as well to the registrants that were - if they were different - are just simply on the hook for those extra years that were attached to this domain name registration.

I think that's the simplest way to do it. It certainly does not preclude registries from setting their own rules as far as if they would want to issue, you know, credits or refunds or something like that.

I think that this presumably would be sufficiently rare situation that it would not become any sort of an operational or financial problem for registrars but I think it is - it is something that we should at least acknowledge in the language of our report that we considered and that we thought of and that we considered that, you know, even rolling back the fees meant rolling back the time which meant changing the status of the domain name whereas it would be much more straightforward to simply acknowledge that those transfers, while they are canceled the names and fees were not refundable.

So where do we come down then as a group? You know, I think Barbara's proposal makes a lot of sense and I think that, you know, as a registrar I would love to always say that, you know, the registry has to make (unintelligible) in regard to these sorts of (unintelligible) that once we start rolling back dollars we have to start rolling back years and then that creates a whole host of potential pitfalls.

So I'm looking for input from other folks either some of the other registrars on the call or some of the non-registrars as to where they're coming down on this particular issue. No one wants to weigh in. Graeme, you're green; you're green with Barbara? Oh, no there's a hand. Go ahead, Graeme.

Graeme Bunton: Sorry, just making sure I'm off all of the mutes that I apparently have been able. Sorry, this is Graeme for the transcript. James, I tend to, I think, agree with you there that while it would be nice to be made whole on that it's probably not going to be material and the headache involved in trying to do so is probably not worth the effort.

So I don't know, maybe at some point in time if we discover that this is costing us tens of thousands of dollars a year or something then we

reinvestigate. But it doesn't seem like a strictly necessary thing to me at the moment.

James Bladel: That's a good point and a good consideration, Graeme. You touched on it and I think Barbara touched on it as well that, you know, while registrars may want to have that \$9 back, you know, it may take, you know, thousands of development hours to build into the systems and customer service of course would have to get involved to interface with the customer.

The only concern I have with that is that, you know, in this era of new gTLDs it might not be \$9, it might be, you know, \$9000. You know, again I'm acknowledging that it is rare, the likelihood that this happens should be fairly small. However, I do believe that it is a possibility.

So I would like to recommend that we include some language that this is something that is monitored closely and revisited occasionally that if registrars start to see a significant financial or operational burden with this that we would revisit this down the road and hopefully the registries agree that we might have to tackle this complexity if, you know, if it starts to become an issue.

Graeme, go ahead.

Graeme Bunton: Oh just that that's a really good point. Some of these new gTLDs I think like dotLux or dotLuxury is like \$1000 a pop or something like that. That could get very expensive very quickly and we would really make sure we want to monitor those and be on top of this that it doesn't start costing us heaps and heaps of money. Thanks.

James Bladel: Yeah, thanks Graeme. Barbara.

Barbara Knight: Thank you, James. For the record it's Barbara. So while the retail costs of those may very well be \$1000, I'm suspecting that probably the registry

charges for those to the registrars will likely be less unless you get into a premium name situation and then it could be greater.

But I think that it may very well end up being more of a financial situation between the registrant and the registrars then it necessarily would be between the registrars and the registries.

So I do agree that we do need to monitor it and if we're seeing that, you know, there are significant financial impacts to the registrars then - and the registrants then we would need to revisit it.

James Bladel: Thank you, Barbara, and Graeme for providing specific examples. And I think that we should definitely note this because new gTLDs are, at least to my knowledge, the first situation where a name that was registered at a premium will also renew at a premium. And I believe that affects the transfer fees as well.

So, you're correct, Barbara, while the street price may be thousands of dollars, the wholesale price is usually less. However, I think that where Graeme and I are coming from is that even to some extent those are dynamically assessed and we would want to be sure that we have some recourse to getting that money back in the case of very high price names or premium names that were found to be part of invalid transfer.

So, Lars, I hate to put this on your shoulders here but I think that the way we're going with this here is that we will change the wording to - from "null and void" to "retroactively cancelled" and that we would say typically the - any fees assessed to the registrar and to the registrant would be nonrefundable and any time added to the expiration date of the domain name would be - would be preserved once the transfer is - once the disputed transfer is resolved.

However, in, you know, in the event that the registry and the registrar mutually, you know, determine that it is in their benefit to make adjustment to either the fees or the time, you know, that that should be allowable. And I don't know if there's a way to do that and say that without being super clumsy. But I think that, you know, I think that we want to try to capture that as a recommendation.

All right, Berry, I see your question in the chat. I'm not sure how we would be actively monitoring this occurrence. I think that it would be more of a passive situation whereas if it became a problem that we're expecting registries and registrars to speak up through their liaisons in ICANN and to raise this issue as a potential amendment to this policy or to essentially get, you know, the policy staff to reopen this issue.

I see Lars is going to take a swing at some draft language and send it on to the list. Thanks, Lars.

Okay, so we'll take - we'll wait for that. Certainly don't consider the door closed on this one but I think that we're, you know, we are addressing the concerns that we heard in the public comment period as well as in our discussions of this. And I'm glad that we had the discussion because it seems to be something that we overlooked during our initial review of this charter question.

So moving on then to the next comments, we were talking a bit more about - this is Recommendation 4, this is Comment Number 7 from ICANN staff. We were talking a little bit more about a list of definitions and key terms. We do have that and it was circulated. I saw a couple of edits I think from Kristine.

So what I'm going to ask is if we can put a hold on that for right now and say yes, we have done this, however we do need the full sign-off from the group on that definition list before we can check the box here on Number 7.

But let's not - we've got a nice little rhythm going here with this document so let's continue through here and then we'll just make sure to include that at the end.

The next comment that we were taking a look at was Comment Number 13 and we were talking a little bit about locking a domain name against future transfers. ICANN staff notes it might be useful to add the lock under the basis for denial - reasons for denial for transfers.

And we were suggesting that our recommendation include IRTP and URS under - is that IRTP or did we mean to say TDRP? I think we meant TDRP here. But TDRP and URS...

((Crosstalk))

James Bladel: Yeah, because it makes more sense if we meant TDRP. So add TDRP and URS under Reasons for Denial Number 2 that are explicitly described in locking requirement under the TDRP section of the policy, otherwise registrars may treat it as optional. And I think this is a lessons learned from the UDRP locking group that recently concluded.

I don't think there's any controversy or concern over this, I just think it is a little bit of extra language that we will have to include in our report as we modify this language.

Any thoughts or concerns here? Okay, and I note that Lars has posted a link to the policy including the list - the valid reasons for denial - in the chat box.

So moving on then to the next comment, Number 14, no action required. Number 15, this is where we essentially respond to the comment from the BC. The BC believes that there should be a mechanism for registrants to initiate proceedings when registrars decline to initiate.

And we note that the working group debated this substantially and at length. If memory serves it occupied the largest amount of time and discussion both on the list and on our calls for the work to date on this particular issue.

And we did draw up a list of use cases and noted that IRTP-C should consider - the implementation of IRTP-C should consider some of those issues when they involve multiple, I'm sorry, transfers of a registrant as well as transfer of the registrar. And that if this is significant enough of an issue that it should perhaps even warrant its own PDP.

So our response to date is that we should clarify our recommendation that an ICANN help site would be clear with regard to what the options are for registrants when a domain name has been subject to a suspected to a noncompliant inter registrar transfer.

And I believe what we were going for here is that if a, you know, if a registrar refuses to initiate the TDRP that - and I would have to go take a look at the use case because I think it's very dependent upon the use case that was in play but that there may be other options either to compel the registrar to begin the case or to initiate other types of proceedings such as a UDRP or a dispute between registrants or to engage ICANN compliance if the registrar is not compliant with the policy.

So I think that we are - I think that we are good on this one. You know, I don't - I think it is one case where we are, as a working group, we are disagreeing with the BC's - with the comment submitted. And I don't think that's necessarily a bad thing; I just think that it's something that we need to make sure we're doing our due diligence when we are explaining why we arrived at a different conclusion than the commenter. And I think that comes up again later in dealing with some of the other comments as well.

So the next comment that has action associated with it is Comment Number 18 and this is with regard to Recommendation Number 9, eliminating the

registry layer. So this is coming from (Arthur Zonenberg) and he knows that he wanted the working group to reconsider removing the fees as they can be seen by registrars as prohibitive; registrars starting procedures in (unintelligible) without good cause to be warned, fined and ultimately lose their accreditation.

I think the concern is that the - if you eliminate the registry the, you know, taking every dispute to a second level provider becomes cost prohibitive. I don't know that - I think this is something - and before retiring from the group I think Mikey O'Connor also raised this issue which is that this is a much higher barrier of access to this dispute mechanism and is that a concern.

And I think that, you know, as a working group we were discussing that, well, the volume of incidents that are initiated through either means is not really sufficiently high enough that it appears that this is or is not a barrier in its current form.

So changing the fees may not ultimately address that. And in the event that something is truly an emergency or urgent situation we recommend that this is probably not the right way to go anyway, that there are other faster mechanisms such as registrar to registrar interactions that can resolve those faster and, you know, with a minimal amount of cost.

So - but I think that, you know, it bears mentioning in our report that this is a structural change in the fees associated with these dispute mechanisms. And I guess my question to the group is does that affect our recommendation at all? Does that mean that we are less likely to discuss eliminating the first level?

I think that the case that was made in our report for eliminating the first level dispute with the registries is very compelling. I think that the fees involved - this is an important issue - but is outweighed by the benefit change by eliminating this level.

And I think that's essentially where we've landed in our report. But I'm open to comments or any other statements that folks may want to touch on here. I don't - I think this particular comment maybe does not - doesn't really hit the mark where he's talking about eliminating the fees altogether but I think he raises at least an interesting point that it is - the differential is something that should be concern.

Man, it's a quiet group. I hope everybody can still hear me and I'm not just like talking into the bit bucket here. Barbara.

Barbara Knight: Thank you, James. This is Barbara for the record. So I guess the only comment that I really have is relative to the one that he made to actually (Arthur)'s comment relative to registries taking more responsibilities since it's our database.

I just would kind of like to go on the record to defend registries in that, you know, while yes it is our database our database is consisting of information that's passed to us from the registrars and we really don't have that relationship with the registrants to even see when a form of authorization or a request goes through the registrar. We are only, you know, really able to see the transfer commands that come into us that are accompanied with an auth info code.

So, you know, just out of fairness, yes it is the registry database but the information in that database is really information that's passed to us based on information and relationships that the registrars have with the registrants so, that's my two cents.

James Bladel: Thank you, Barbara. Point taken and certainly do not intend to besmirch the reputation of registries. They - you know, it's fully understood that your database and the accuracy and the validity of your database is only as good as the data that's provided to you by registrars and that of course the data

that's provided to registrars is only as good as the data that is provided to us and that we're able to verify from registrants. And so everyone's data is effectively on - has a certain degree of honor and trust built into that assumption.

So certainly agree with that. I think that, you know, with regard to the fees I think that it's probably something that we should monitor. Certainly in our discussion with gTLD registries it did not seem like this was a frequent enough occurrence to be preemptively concerned about the fee differential but it is something that we should note.

So that addresses Item Number 19. We can move then to Item Number - I believe the next comment is Item Number 20, a comment from the ALAC about the phrase "user friendly" about the ICANN information resources.

And the ALAC comment was, "User friendliness should be augmented comprehensively to make it clear that the site should be understandable to registrants and does not have to deal with the problems on a regular basis."

And this is something that comes up really in a number of working groups that we have is that, you know, I think we tend to operate - and I say "we" you know, in the folks who participate in ICANN regularly and are volunteering in this working groups and who worked in this industry, you know, 40-hour week but only when they're on vacation.

You know, we tend to become overly familiar with these concepts, the dispute mechanisms and the requirements and procedures whereas an individual who is experiencing this problem with one of their domain names may be the first and only time they've had any exposure to these procedures and may be thoroughly confused by what their options might be and indeed even what the acronyms and what the requirements might be.

So I think that the note here is that we will emphasize that point to ICANN staff in the preparation of its informational resources to bear in mind that the perspective of a non-ICANN regular or non-ICANN veteran is critical to making sure this information is accessible and understandable by exactly the audience that needs to use it. And I have a green checkmark from Holly. Thank you, Holly.

We'll move down to Number 21. This is coming from the BC. They note, "Interest of consumer protection, the BC recommends establishing requirements for registrars to publish information pertaining to dispute resolution options available. The BC supports the detailed position." And then it's listed out here.

We know that a centralized depository will provide the most effective information for registrars. I think that, you know, what we came down here is requirements to duplicate this information are probably not appropriate certainly once you duplicate things then you have issues of version control and other types of discrepancies open up.

However, it's certainly not unprecedented to require registrars to link to an ICANN informational resource and that ICANN then maintains that document and keeps it current. For example, the registrant benefits statement that - and registrant rights and responsibilities and other statements that are currently posted on ICANN's Website.

So rather than having registrars regurgitate on their own Websites and creating the burden for Compliance to scour all those Websites and make sure that the information is accessible and present and current, we would instead either recommend or require that registrars link to the ICANN-maintained Webpage. And I think that's certainly understandable.

ICANN staff notes here, "That the working group should specify greater detail what it means to improve visibility in content." You know, I think here - and

just because the queue is clear I'll just go ahead and continue to, you know, editorialize on is a little bit here if you'll indulge it and then certainly raise your hand if you'd like to jump in on this.

I think here the answer should be that if you go to the ICANN Website now you see lots of information about, you know, current events and policies under development and IANA transition and accountability and outreach and where the next meeting is going to be and how to make a hotel reservation.

And it certainly feels though that that is aimed at the - what I would consider to be the informed consumer of ICANN's information. Whereas the new consumer of ICANN information has a couple of links, I think there's some getting started, you know, how to report a problem with a registrar, how to report a problem with a registry, what is a new TLD, what is ICANN, what does it do, and those types of links.

And I think that is where we need to focus this transfer information. The information about transfers based on the information that we've received from Compliance is one of the more common reasons why someone has a first interaction with ICANN and why it may be done, you know, almost in a state of panic if someone believes that they're missing a - they've lost control of one of their domain names.

So I think that what our recommendation to staff would be here is that ICANN improve the visibility and content going back to I believe Number 20 is that this information is spotlighted in such a way that it is easy to find for a newcomer unfamiliar with the ICANN Website and easy to read for someone who is not intimately familiar with these procedures.

And I think, Lars, if you can capture that in the draft language and then we'll say essentially, you know, let staff, you know, take a swing at that. Certainly they'll probably encounter some things during the implementation that they may need some assistance on as well.

Yeah, Holly notes in the chat that Website is not user friendly to a newcomer. I would counter that it's not really use friendly for people who have been doing this for almost a decade either, Holly. But, you know, that's - maybe I'm just not as bright as the rest of you, I think that's also a legitimate possibility.

So okay well that takes us through then to Item Number 20 - where are we at here? To Item Number 23, a (unintelligible) comment from the ALAC where we recommend as a best practice that registrars permanently display a link on their Website to the ICANN registrant help site.

I think this is what we were saying earlier, ALAC is saying that resellers should be included as well. I think that, you know, we can - we noted here as a working group that - darn it, my screen just scrolled up here. Bear with me for just a second, folks.

That the working group is recommending that registrars pass on this best practice as a recommendation to their resellers. I think the key here being that the 2013 RAA for the first time has a number of requirements for registrars that are using resellers that they must, A, have a reseller agreement in place with each of those resellers, and, B, that certain obligations of the RAA must also be included in that reseller agreement.

I think that this one could certainly - certainly be recommended as a best practice. The reason I'm - I and I think other registrars are hesitant to say yes we should require this is that resellers are not often - are not always involved in this industry, you know, as their primary function. They are, you know, real estate agents or ad agencies or PR firms and, you know, registering domain names on behalf of their clients is not really a core function of their business.

So, you know, I think that I'm happy with leaving it as a recommendation as a best practice as something that if feasible and commercial practical registrars should pass that along. I think that in some cases it may not be practice and

that we would end up confusing the reseller and confusing the registrant as well.

So I'm happy with the language being that it's a recommended best practice. And I think that's where we ended up as a working group. If anyone feels strongly that we should change course on that let me know, we can - we could certainly discuss that a little bit further.

Holly.

Holly Raiche: Yeah, I think - I understand where you're coming from which is for individuals who are acting as resellers and it really isn't their business. It may be - it may be very difficult to put that kind of requirement on them. But thinking about the registrant, I just take a deep breath and go I really hope that there's enough information on a Website that doesn't particularly work for a newcomer that there's the kind of information that will help a registrant who just is completely unfamiliar with the territory and what to do.

So I'm a little bit hesitant to say it's okay but I do understand the structure of the industry in just may not be possible as more than a good practice but maybe strongly recommend or something to make it very clear that as a working group as much as possible we'd like to get this out, if that's okay. Thank you.

James Bladel: Thanks, Holly. I'm fine with, you know, the idea that we would strongly recommend or strongly encourage registrars to, you know, to either require or recommend resellers do this. I think that where I'm going here is that - and maybe we can have staff take a look at this - and I'm speaking now as a registrar because the 2013 RAA has some requirements for registrars to display certain amounts of information and it has, you know, some - I think some requirements of resellers as well.

So I think that the question would be for staff if maybe you could take a look at this, do we ever require a reseller to display a link, for example, to the registrant rights and responsibilities document today or would this be blazing new territory to make that requirement - to take it from something that is strongly recommended and encouraged and elevated to the level of a requirement?

You know, I don't know the answer. I'm open to what staff comes back on that. I think your point is taken, Holly, but I do think that, you know, having met with and just kind of chatted a little bit with - sorry resellers, reseller communities about some of these ICANN issues, you know, we should be careful not to overload them and their customers with something that is really a, you know, a minor function and how they conduct their business.

But I'm open to take a look at that so maybe, Lars, okay - Lars indicates in the chat that he'll visit this question with compliance and legal and get back to you in London. And I'll take a quick look at the RAA as well and see if I spot anything in there. You know, this time last year I used to have that document tattooed on the inside of my eyeballs but I admit I've gotten a little rusty.

So then let's scroll down to the next actionable comment. This is (Arthur Zonenberg) from Recommendation 14. The working group recommends to maintain FOAs.

Here's the only issue we disagree on, and, you know, and I think the short answer - and we had a very lengthy comment from (Arthur) here and then in further on is that FOAs are essentially more trouble than they're worth.

Sorry, I'm at - yeah, Number 28. And this was a very very lengthy comment that we unpacked and discussed I think at length. And we include some interesting statistics from Rob Golding and some other registrars as well. And I think that if - you know, and tell me if I'm mischaracterizing this here but I think that's where we are is that we considered a lot of these concerns.

We have looked at the sum total of that FOA; we certainly examined some scenarios where the FOA is the only communication that a registrar would have with that registrant by eliminating all of the other intermediaries like other registrars or resellers.

And we acknowledge that even if we were to eliminate the FOA that some other form of secondary authorization would be required in addition to just possession of the auth info code.

And so I believe that where we're going with this is that, you know, we had a lengthy discussion and I think that my understanding is that while we have spent a significant amount of time on this that's our original recommendation spans now - if I'm mischaracterizing that, if I'm oversimplifying it or if I'm misremembering an important conversation that maybe I wasn't even, you know, maybe I was absent for a call, I would ask Lars and staff and other members of the working group to please correct me here. But that's how I recall us kind of coming-out of that conversation. So other thoughts?

Okay, come on, we had several weeks of discussing here. And - okay, Lars, go ahead, Lars.

Lars Hoffman: Thanks, James. This is Lars. Yeah, I mean, I think you summed it up. I think that that's what the group came up with. I just wanted to add you might recall that I contacted (Arthur) - I'm sorry - to substantiate his argument about the number of unsuccessful transfers because of, among other things, apparently the need for the FOA.

And he said he has some figures that will demonstrate this. It might be quite as dramatic as he - or quite as extreme as he wrote in this comment initially or as clear cut but they contain some sensible information that he's not to keen to share. And so he's working on a shareable version as it were. And so he said he will have this hopefully ready by London.

But just so that you all know there's some more information coming. And obviously I believe the registrar in this group also wanted to see if they can come up with some numbers to this to maybe then add it to the report and to direct further policy efforts in this area.

Then we haven't heard from them back either but I suppose we have time until after London for that in any case. That's all.

James Bladel: Thanks, Lars. And thank you for reminding me that we're still awaiting data not only from (Arthur) but other registrars. I had some conversations internally with our transfer team, specifically the team that deals with disputes and errors and support - support issues with this process. And I think I mentioned this in any previous call that our statistics were not as dramatic as either the ones provided by Rob or the ones that are referenced here by (Arthur).

And our team also noted that - and maybe the other registrars have a more granular way of tracking these issues but the other - that my team indicated that, you know, there may be a significant number of transfer attempts that were invalid transfer attempts that were thwarted by the FOA doing exactly what it was intended to do and that those would be mixed in with the quote/unquote, you know, transfer failures.

So, you know, that's a possibility if, you know, I think that if possible also that other registrars have a way of separating those from true failures. I would like to see the data on this. I don't think that we need to, you know, button this up until after the London meeting where we had a chance to review these figures.

However, I also would just state that I believe that the current position of the working group coming out of this is that pending some new insights coming from those submissions that our original recommendation to this point is unchanged.

Berry notes in the chat that we just need to add to the recommendation that the policy would be updated to reflect the state of the industry and the prevalence of EPP but that FOAs are still required.

So okay that is there was another comment there from staff and another comment from ALAC. ALAC was just supporting the recommendations. There is a lengthy comment from Compliance. And I think Compliance was taking more or less a contrary position to that of (Arthur) which is that in the event the transfer goes badly an FOA is the only audit trail provided currently to provide the ability to undo that transfer dispute.

And I think that aligns with what myself and others have said, as well as I think Kristine. I don't mean to put you on the spot, Kristine, but - and if I'm misremembering that please smack me. But anyway we can certainly take this issue up in London.

And we've got two minutes left on our call so I recommend that we note here that for the most part I think that we've got some polishing to do but we have - and we've got a couple of gaps that need to be filled but for the most part we have now gone through the - all comments received and we have designed an approach and a response and we have executed on those responses as a group.

And so thank you, everyone, for that. I think that we've got a couple of loose ends that we'll tie up, we'll tie those up in London with the remainder of these comments. We'll run through the definitions. And we will then do a read through of the final report and I think that we are then ready to bring this one in for a landing. So - I'm sorry, was that - I thought someone was trying to break in.

So let's adjourn for today and let's note that our session - Lars, can you help us, when is our session in London?

Lars Hoffman: James, yes of course. The session is on Monday the 23rd of June at half past 1 until half past 2 in the Thames Suite. And I'm just pasting also the link to that in the chat. I can note that - I don't know if, I mean, this is - I know the call is wrapping up but it's just after the lunch break. The room is free before lunch. If you wanted to I could - while we're there - try to get it an hour and a half which probably is possible but I can't do that now for reasons that are very boring. But I'm also just happy to stick to the hour.

James Bladel: I think let's stick to the hour, Lars. You know, it's happening early enough in the week and, you know, if we need, you know, we've already determined we're not going to have the final report ready for London or even the first - perhaps even the first Council meeting coming out of London so we need to, you know, if we need some extra time on that we will certainly tackle that, you know, once everyone has flown home.

And thank you for sending that. For those who are participating remotely, you know, please mind the time difference. London is currently on summer time which I believe is UTC plus 1. So keep that in mind. And, you know, if you're going to dial in or join the Adobe chat.

For the rest of you please, you know, enjoy your lunch but please show up promptly at the time of the meeting starts and we'll dive right into this thing. If you've got deserts or, you know, treats or anything that you want to pass around to everyone else I'm sure that those will be - you won't be stopped at the door for that either.

So Monday at 12:30 UTC, 1:30 local time for ICANN London. I wish everyone safe travels for those of you who will be attending. And we'll see you in the UK.

Holly Raiche: Thanks. See you.

Lars Hoffman: Thanks, James. And Germany is playing right now. I can recommend that too.

James Bladel: I'm going to go take a nap.

Man: Thanks, James.

James Bladel: Thanks.

Terri Agnew: Once again, that does conclude today's conference. Thank you for joining. Enjoy the rest of your day. (Brian), if you can please stop the recordings.

END