ICANN
Transcription
IRTP Part D Working Group meeting
Monday 22 April 2013 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 22 April 2013 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-20130422-en.mp3

On page: http://gnso.icann.org/calendar/#apr

Attendees:
James Bladel – RrSG
Chris Chaplow – CBUC
Kristine Dorrain – NAF
Kevin Erdman – IPC
Barbara Knight – RySG
Bob Mountain - RySG
Mikey O'Connor – ISPCP
Holly Raiche - ALAC
Paul Diaz - RySG
Alan Greenberg – ALAC
Jill Titzer – RrSG
Graeme Bunton – RrSG
Oliver Hope – RrSG
Simonetta Batteiger - RrSG

Apologies: none

ICANN staff:
Marika Konings
Lars Hoffman
Nathalie Peregrine

Nathalie Peregrine: Thank you very much, (Tonya). Good morning, good afternoon, good
                         evening. This is the IRTP call on the 22nd of April, 2013. On the call today we
                         have Mikey O'Connor, Graeme Bunton, James Bladel, Holly Raiche, Barbara

Knight, Alan Greenberg, Chris Chaplow, Bob Mountain, Jill Titzer and Kristine Dorrain.

We have received no apologies for today's call. From staff we have Lars Hoffman, Marika Konings and myself, Nathalie Peregrine.

I would like to remind all participants to please state their names before speaking for transcription purposes. Please also note that from today onwards the Adobe Connect room is now audio-enabled. This means that it's no longer necessary to connect to the audio bridge if you want to take part in the call.

So if you click on the telephone icon at the top of the AC toolbar and follow the steps you'll be able to activate your microphone. Once this is done please remember to mute yourself.

I'll be available for (unintelligible) on the call (unintelligible) on the AC room if you ever need any assistance. Thank you very much and over to you.

James Bladel: Thank you, Nathalie and welcome back everyone. And I should mention that if you're using the mobile version of Adobe Connect that some but not all of those disclaimers apply. I'm getting an echo so - make sure everyone has their mute - there we go. Thank you.

So welcome and welcome back from Beijing everyone that we saw in China. And per our standard routine does anyone have any updates or declarations to their statement of interest? Please indicate so now.

Okay seeing no hands...

((Crosstalk))

Graeme Bunton: Sorry, Graeme Bunton here. Just saying that I've submitted one.

James Bladel: You have submitted one.

Graeme Bunton: An SOI that is. Yeah.

James Bladel: Okay. Thank you, Graeme. And, you know, for any other new members - I know that Michele was in full-on recruiting mode trying to get new members. Did anyone - other new members have submitted an SOI or we should be expecting one soon. Okay. Marika.

Marika Konings: Yeah, this is Marika. We did have, I think, two additional members signing up but there may have been some delay in getting them added to the mailing list as well as sending them the information on the SOIs due to travel from staff - the staff side. So - but we're on top of that and hopefully by the next meeting everyone should have submitted their SOI and should be up to date.

James Bladel: Thank you. Also wanted to point out that while we were in China I crossed paths with Simonetta, a veteran of previous IRTPs. And she was not aware that this working group had already started and she would like to be added so can we maybe reach out to Simonetta as well? I kind of thought she would be here but - Lars, go ahead.

Lars Hoffman: Sorry, yes, this is Lars. I've already reached out to her in China. I think you sent me the email during the GNSO Council session, James. And she's been added to - according to Glen she's been added to the mailing list so she should have been aware of this call. And she's also been added to the wiki of the working group. And she has an SOI standing so that's all taken care.

James Bladel: Okay excellent. So it's not that she wasn't added it's just that she's not here today.

Lars Hoffman: Yeah, no she has been added, yes.

James Bladel: Okay thank you. Okay. And let me just - I'm struggling to navigate this whole app here so bear with me. Okay - and my app just died. Lovely. Okay well just recapping some of our conversations in Beijing - and I wanted to just provide a quick synopsis of our discussion.

I don't know that we had any - we did, I think, achieve one goal which was to get some new members. I think we now have a couple new participants on this working group. We also successfully went through our charter questions, presented an update to GNSO Council. I believe we're waiting for the end of constituency and stakeholder group feedback which is ending this week or maybe perhaps it's already ended.

And we did then continue our analysis of the charter questions including the questions involving TDRP and to that end we were given a presentation by ICANN Compliance.

So I wanted to start the discussion there. I have a bit of a - I've been thinking about this issue and I had a bit of a monologue I wanted to share with folks so if you'd please bear with me.

And I should also point out that I drove my wife to an eye doctor appointment and her eyes are going to be dilated so I have to go pick her up so I may have to drop off the call on short notice here about 10, 15 minute before the top of the hour so our co-chair, Mikey, has agreed to take it and run on short notice so thanks, Mikey, in advance.

But anyway going back to TDRP, you know, thinking about what we were all discussing in Beijing and the information that we've gathered thus far it certainly seems like the message from both ICANN Compliance and Registrars is that transfers are a confusing process, there is a significant amount of customer dissatisfaction associated with this function.

Registrars are also reporting that domain name hijackings are a real problem. They're not necessarily a frequent problem but when they occur the damages can be very significant and requiring a very rapid response and TDRP certainly doesn't fit that bill.

And also that, you know, those of us who are veterans of previous working groups who recognize that other working groups have made recommendations for new policies to help address these issues that might mitigate some of the needs for TDRPs such as (TEAC), which puts registrars in contact with each other in emergency situations and the change of registrant process which, although it's not in effect yet, will formalize some of the registrar actions when they change the registrant or the ownership for - ownership is probably a bad word - but the registrant of a domain name.

So looking at our charter questions most of our charter questions revolve around TDRP. So in the spirit of ICANN we could certainly spend the next several months putting TDRP under a microscope and coming up with ways to improve it, to tweak it, to maybe make it more relevant and more effective.

We would then, you know, of course submit a report to the Council that would vote for it and send it to the Board and the Board would vote for that and send it to the implementation where registries and registrars would factor it into their products and services and train their staff on it and build out some systems and write code to whatever we propose. And that would be kind of the normal ICANN process.

But I was thinking about this over the, you know, since we left China and I was thinking what if we took a different approach? Most of the folks on this call have commercial backgrounds or experience to some degree or another with the commercial products. And what if we looked at TDRP as a product and we were a team that was, you know, responsible for assessing the effectiveness of this product?

And I think one of the things we would say definitely is that there's a market for this product. That there's a large number of confused registrants that - and that hijacking is a problem so that we have got a clearly defined market or audience for this product.

But at the same time we would point out that it's not being used. They're not buying this product. They're not - the people that it was intended to help are not making use of this policy. And I think that's the other overriding message we're getting at is our information gathering.

So in the spirit of being, you know, efficient with our time and our work and our very limited volunteer resources, I wanted to propose the radical idea that this working group consider first and foremost, before we charge off and spend many, many months fixing TDRP, that we first consider the possibility that we don't need TDRP.

That it is not meeting its intended purpose. That other policies have been proposed that have not yet currently hit the streets are, you know, bloomed into full effectiveness. And, you know, so what would that look like from a working group?

What would we - what would we need to be able to comfortably say that we could do something like cancel a policy or put a policy into a hibernation state so that we could examine it in the next context of something like - of something like the (TEAC) and the change of registrant process once those - that allows you to occur.

So this is just, you know, this is just me brainstorming here a little bit and looking at it from a, you know, kind of a product or service offering perspective. So I lost my queue here unfortunately - maybe Mikey can help me manage that.

But anyway that was my - just my thought here of what if, before we charge off and spend a lot of time on this, what would satisfy us in terms of justifying the need for this policy.

And I'll turn it - I lost my connectivity here so I'll turn it over to Mikey to see if there's anyone who'd like to weigh in on these or share their thoughts.

Mikey O'Connor: Okay. This is Mikey. Right now the queue is Bob on his own. We'll start off with Bob. Go for it.

Bob Mountain: Okay. Yeah, thanks, Mikey. James, I love the idea of productizing, you know, an initiative because I think it would, you know, force us to maybe think about it a little bit differently in terms of how we package it and how it's promoted.

The - I think - so I do like that idea a lot. I think, you know, on the idea of sunsetting an initiative I think if it's not being used maybe it's sort of sunset by default or in effect sunsetted and, you know, maybe it's just - rather than, you know, extending cycles to officially sunset maybe we just leave it there. I'm not sure.

But at any rate I guess I would like to, you know, offer support for the initiative to productize, you know, something that would effectively be used by registrants as a way to more easily, you know, address this issue which, again, as you stated we seem to have the data to prove that it is an issue and so I think we're solving a real problem if were to move forward with something like this. So thank you.

Mikey O'Connor: Thanks, Bob.

James Bladel: Thanks, Bob.

Mikey O'Connor: Holly, I'm going to defer to Marika. I always sort of let Marika go first when she jumps in the queue and then I'll circle back to you if that's okay.

Marika Konings: Thanks, Mikey. This is Marika. I mean, I like the idea of taking a different approach and looking at it from a different perspective. I do have a concern, though, that we may be jumping ahead in concluding that it may no longer be necessary. I think before going in that direction I think really the question the group would need to ask is, you know, why is it not being used?

Because I think as we've already shown, and I think as Bob mentioned as well, the data obviously show that IRTP does attract a huge number of complaints. Those don't necessarily make it to a TDRP and we've also, you know, one of the charter questions is, you know, should we consider indeed opening up to registrants because currently it's, you know, at the discretion of registrars, you know, whether or not to initiate a TDRP.

And another element there is that I think it's something we've raised as well in the issue report is that, you know, for the new change of registrant policy we haven't really considered as part of the IRTP-C deliberations what kind of mechanism should be in place to address conflicts that may arise in that space.

So I think, indeed, in addressing the question I think we - the working group would also need to look at, okay, if you decide to get rid of TDRP what would come in its place to be able to address issues that arise under this policy as well as some of the changes that we've already started implementing.

So I really want to make sure as well that we address, you know, those questions and not just draw the conclusion that it's not being used so let's just get rid of it without actually considering what can be put in place that actually would work, would help address complaints, would give registrants a point of reference or a mechanism to address certain issues that, you know, currently are not being addressed, you know, seeing the number of complaints we had.

And I'm not of course saying that all of those would go into dispute resolution procedure because I think as we're all aware many of them may relate as well to education information so definitely other aspects there that would need to be considered. I just wanted to put that on the table as well.

James Bladel: Mikey, can I jump in with a response?

Mikey O'Connor: Sure.

James Bladel: Sorry. I just - I mean, I'm going to take a really, really rare and I think possibly the first time ever just to say, you know, almost a disagreement with Marika. I think that what we're not saying is we've concluded that TDRP is - you know, it needs to go away.

What I'm trying to ascertain is what would - what would be necessary for us to arrive at that conclusion that that should be one of the options on the table as opposed to just diving in and, you know, getting under the hood and fixing TDRP that we should first look at whether or not it needs to exist at all. So I think - it's just that point of clarification that I wanted to make.

And I understand it's somewhat outside of the norm of how we do things at ICANN. You know, I think we say more work translates into more paper and more policy. I think like a friend of mine who always says, you know, there's never been a, you know, a congress in Washington that has produced less law or taken some off the books. You know, and I think we could always consider that it might be one possible outcome.

Mikey O'Connor: Thanks, James. Holly, back to you.

Holly Raiche: Yes, thank you. Holly Raiche for the record. Where we got to - trying to refresh your notes that got wiped - what we decided, you know, in the actual Beijing meeting was the real problem is just about disputes, that's all. And the problem there seems to be who actually follows through with the question.

And I think Marika was right, there's also an education problem which maybe we can deal with through education, through amendment to the Registrant Rights document or something like that.

But it seemed to me where we got to in Beijing was to say only a tiny bit of this issue is really a problem. And there may be other ways that we can deal with that problem. Thank you.

Mikey O'Connor: Thanks, Holly. Barbara.

Barbara Knight: Thanks, Mikey. This is Barbara. So, I mean, I agree with James in the fact that, you know, nobody is really using the dispute policy. However I don't know that we could necessary get rid of it altogether. I think that, you know, the first paragraph - I believe in the first paragraph of the policy it indicates that, you know, registrars are really encouraged to try to work this out amongst themselves.

I think that really is probably the most effective way for these things to be handled. And I think that the reason why we're not seeing as many disputes through the TDRP is because that's probably happening to a large degree.

However, you know, there are some instances when a, you know, registrar may not be willing to raise a dispute or cooperate in, you know, resolving a dispute with the other registrar directly. So I do think that there is a place for a transfer dispute mechanism, however I think in the changing world and we've made these comments as the Registry Stakeholder Group as well, you know, it maybe time to make a change in who is actually responsible for administering the transfer dispute program.

And it may very well be that, you know, it's something more like what we have under the UDRP where there are, you know, a list of dispute resolution providers and there are a couple right now because that's obviously where

the second level disputes go is to this, you know, I think there are two or three dispute resolution providers for TDRP.

And it may be time that that's, you know, that's the mechanism by which disputes are resolved versus having it done at the registry level. You know, as we get more and more registries out there I think it's going to be more difficult, you know, for there to be consistency amongst the registries on how they're handling the various disputes.

So, you know, I don't know that I would agree that it's something that should go away altogether because I do think there needs to be a mechanism by which disputes could be dealt with if they aren't able to be handled at the registry level.

But I think that, you know, it is a different world and we may want to look at it a little differently as to where we put that responsibility. Thanks.

Mikey O'Connor: Thanks, Barbara. And, Alan, you bring up the...

Alan Greenberg: Yeah, thank you. I guess I'm echoing pretty much everything that everyone else is saying that if there are problems and it's not being used that it needs to be changed. Whether, as James sort of implied, it shouldn't be a DRP but be some other mechanism which will address the problem or whether it needs to be tweaked I think we need to look into the details more as to who we think should be using it and whether the mechanism is reasonable under those situations.

I think it's quite possible we could come out of this with something that is not a DRP but addresses the problem perhaps in place of or in addition to. So I think the approach is good. Thank you.

Mikey O'Connor: This is Mikey. I'm going to put my own thoughts here at the very end. I think there's really two questions here. One is the content question and I'm going

to lump a lot of the sort of productizing things into that pile. And then there's a process question as to whether, you know, to grind through the process that we normally do in a working group.

And I am - I'm quite comfortable with the product content part of the argument. I'm a little less comfortable with the process change. I think that's loading a little bit too much work onto the Christmas tree. So I would propose the following.

James, I think it would be helpful if you wrote up sort of a manifesto that encapsulates what you are proposing and also maybe take a listen to the reaction. I haven't been doing the notes because I've been keeping an eye on the queue.

But I am cautious about - I'm looking at the charter questions at it seems to me that there's room in the charter to do the kind of analysis that you're proposing and that I don't really disagree with.

But I would prefer to do it in the PDP process rather than venture out into unknown territory. Because I think then we're really doing two jobs at the same time and I'm not real keen on trying to do that so that's my initial reaction. I don't know if you want to respond to that or not.

James Bladel: No that's fair. And I actually wanted to go back to - I'm sorry, this is James speaking again. And I did get the call so I'm now mobile so hopefully you're able to hear me.

But I actually wanted to go back to something that Alan said which is that - and I think it kind of builds on what Barbara was saying and to some extent Marika which is that maybe the answer is something that can come out of a recommendation from a working group that doesn't tweak TDRP and doesn't replace it with another process but actually, you know, for example compels registrars and registries and registrants and gives them mechanisms and

responsibilities to working together on these issues, you know, as opposed to building in a more formal, you know, formal dispute mechanism.

So, you know, I don't know. I think - I'll have to go back and read the transcript to get exactly what it was that Alan said there at the end that really kind of resonated with me. But it was something that, you know, that would say something like, you know, we maybe don't necessarily have to fix this or kill it or replace it but come up with a different answer that addresses the problem.

So - and I think you're right, Mikey. And I want to emphasize it's not something that I have concluded that this is what we should do or that this doesn't work and we should get rid of it.

It's more of wanting to start the conversation of if we were to break out of our traditional ICANN comfort zone what would an analysis of a policy's usefulness look like? And I think you could probably come up with data very similar to what we see for TDRP coming out of both Compliance and the Registries.

So I did get the call and I do have to drop and I do apologize for that. But, Mikey, would you - would you take us home and then I'll put it on mute and I will be a passive participant from here on out.

Mikey O'Connor: Now what happens if I say no just theoretically?

James Bladel: Well, you know, you promised me that that wasn't going to be a problem. But...

Mikey O'Connor: I was just curious about that.

James Bladel: I can wing it. I could wing it, I just feel bad for the people on Interstate 74 here. They're the real losers.

Mikey O'Connor: Oh well, okay.

((Crosstalk))

Mikey O'Connor: I guess I'll do it. I hate that. Drive safe, James. Marika...

James Bladel: Thank you.

Mikey O'Connor: ...go ahead, you're next.

Marika Konings: Yeah ,this is Marika. Just to pick up on something what Barbara said and kind of brought me back I think to our (TEAC) discussions is that, you know, maybe one of the reasons why this indeed is not being used that often is that it's really a last resort option.

And I think we need to get a better understanding as to indeed what are the reasons for using it or not using it but also take into account that, you know, having something there as a last resort may also serve as a encouragement to parties to actually work things out between themselves which indeed is the preferred approach which I think the same thing what we did with the (TEAC) is saying by putting this place we're actually just doing this for the real outliers because we're hoping that all the other parties are still continuing or are encouraged by, you know, keeping talking to each other.

And it's only when they don't do it that's when we can enforce it through the (TEAC) mechanism. And also I'm just wondering in trying to address the question, you know, do we need it or do we need something else whether, you know, the first question the working group should be looking at is actually Number C on whether there should be dispute options for registrants.

Because then that may be an option or a question that would actually trigger the further discussion on, okay, if the answer is yes is indeed the TDRP is

that the mechanism that should be provided or allowed? Or should there be other dispute options?

Because it does say - it doesn't should the TDRP be opened but it says should there be dispute options for registrants? So I guess that makes may be a triggering question.

And I guess that would be as well the point where you start gathering some data on how it's currently being used and, you know, how many cases are filed with registries as well as the dispute resolution providers that are currently accredited to run the procedure in trying to start that assessment of, you know, where do we need to take this and what would be the best approach so to speak.

Mikey O'Connor: Thanks, Marika. And, you know, this part of the conversation is sort of amplifying the notion for me that our charter is actually pretty good. We've got some pretty good questions in there that I think accommodate the kind of analysis that James is proposing.

So I think there's a way to have our cake and eat it too. But I'll continue on with the queue. Simonetta, welcome to the game.

Simonetta Batteiger: Hi, everyone. This is Simonetta. I am - apologize because I haven't followed closely what the working group has done so far. And maybe if possible for this (question) looking at right now to understand if people are complaining about the content of what's currently in the TDRP or if they're merely saying well what's there would be nice but we're not using it.

Because if the use of it is the problem then the policy itself doesn't seem to be the problem and what we would probably have to come up with is a better way or a better system or product as a frontend to the TDRP. And then the second question, which is our Charter Question C anyway, is basically just an extension.

You would probably always need some kind of a policy document that governs the rules but then some kind of a more user-friendly frontend that makes this accessible for people. So to me then it all hinges on are people complaining on what's currently in the policy? Then maybe we need to look at that. But if people aren't complaining about that they're just saying it's hard to use then we just need to make it more accessible.

Marika Konings: This is Marika. I just see that Mikey actually has dropped and says he'll be back soon. I don't know if someone else wants to get in the queue in the meantime.

James Bladel: Marika, this is James. I can hear and speak but I don't know if I'm creating too much background noise.

Marika Konings: It's okay.

James Bladel: Okay. And I certainly can't see the queue. Can you tell me who's next?

Marika Konings: Holly...

((Crosstalk))

Marika Konings: ...has her hand up.

James Bladel: Holly, go ahead please.

Holly Raiche: Yeah, thank you. Just a reminder we did have a report from the Compliance department about a huge number of complaints. But when it came down to actually looking at a problem with the TDRP there was like one complaint. And so I think what I said during Beijing was actually the problem may not be the process, the problem is we've got disputes and maybe that's where we actually look rather than something that isn't being used.

Because we did have some really interesting stuff from Compliance that we discussed in Beijing. I'd hate to lose that whole session where we did try to work through some of the issues like one was what are the complaints about. And that really does tie back to Question C in the charter; that seems to me the best way forward. You know, whether the dispute options for registrants should be developed and implemented.

That seems to me to tie in also with the discussion that you were talking about which is to make this into some kind of product discussion; is it working? And then concentrate on where it's not working. I think that's something that ties in with what Marika was saying but I'm not sure. But, you know, those would be my thoughts. Thanks.

James Bladel: Thank you, Holly. And I think that you bring up a good point which is that the Compliance data seems to indicate that while there is an overall volume of transfer complaints that there was a mix that we should also be paying attention to. And can I get clarification on one point here?

Because I think the more I listen to some of the, you know, some of the statements that folks are making the more I'm thinking that what Alan had said and then I think Mikey proposed is that our Charter Question - and I think Marika touched on this as well - that our Charter Questions do say that should there be dispute mechanisms available to registrants but does not mention the TDRP by name.

So I think that there is, you know, as I think Mikey pointed out, an opening there to say TDRP is not working; there is a problem, they're not using it, it's too slow, it's too expensive, whatever. But we could create something new or we could standardize the registrar/registrant/registry interactions that are already happening or formalize something like that.

But I think that there is - like Mikey said, there is something in our charter that gives us something to push off on to do that kind of analysis. So I don't know if he's rejoined, Marika and Lars, if you could see if he's back on the line. But we can probably bring this part in for a landing by saying that I will start a message on the mailing list - a new thread - today, try to write up what I started the conversation with and what everyone has weighed in with thus far, see if I can kind of get together with a summary of that.

And then we can continue this discussion there. And I don't know if - can you tell if they're back on the line, Marika?

Alan Greenberg: It's Alan. I don't know if Mikey is back but I have my hand up just one quick comment. And I've missed a number of these meetings including the one in Beijing so what I'm saying may or may not be relevant. But Holly's reference to the fact that there's a lot of complaints I think we need to understand how those complaints are resolved or dropped.

Holly Raiche: Yes.

Alan Greenberg: It may well be that problems are getting fixed prior to a TDRP going through or it may be, as you implied, James, that it's too expensive, it's too cumbersome, you know, it's not worth the process for a $10 domain or whatever the issues are. I think we really need to understand what the complaint stream is like and how do complaints drop off so that there are no TDRPs being, for all intense and purposes, being taken out.

So it really becomes a matter of analyzing the complaint stream and understanding how they're resolved. And I think we really need to do that before looking at changing processes or inventing new ones. And again if this information is available and I've missed it I'm sorry but that seems to be the next logical step.

James Bladel: Right, thanks, Alan.

Mikey O'Connor: This is Mikey. I'm going to have to sign off this call. I'm going to lose power here in about 10 seconds so, James, if you're able to sort of lamely jump back in that would be really helpful. I'm sorry but we had a massive infrastructure failure here. See you later.

James Bladel: Thanks, Mikey. And thanks for carrying this as far as you can. And, you know, go down to the basement if you're having a storm. And, you know, and I'm still in the car so we're fresh out of co-chairs. I might have to turn this over to staff. Is staff still on the call? Marika? Lars? Nathalie?

Marika Konings: This is Marika. This is Marika.

((Crosstalk))

Marika Konings: I'm here but I'll need to be mobile as well in 10 minutes so I think Lars is then the one that can step in.

James Bladel: Well the only thing we need right now, Lars, if you can tell us if anyone is in the queue. That's the one thing I can't see.

Lars Hoffman: No problem. No problem, James. I'm right here and I'll be here until the call is over.

James Bladel: Okay. Does anyone currently have their hand up?

Lars Hoffman: This is Lars. Holly just put her hand up now.

James Bladel: Hi, Holly. Go ahead.

((Crosstalk))

Holly Raiche: I would just like to read out - because obviously you can't see the chat. But the comments that Simonetta is making and let me just read them out since obviously you can't see them. Things like we might need to categorize the complaints into the main issues. And then look, if there - those are due to a lack of policy or a lack of process on how to apply the policy.

That seems to me to be a bit of a follow up on what Alan was saying which suggests that there is room for kind of a - first a look at the complaint's data and understanding of the complaint's data. And, Simonetta, if you want to come in and explain further what you're saying on the chat just remembering that James cannot see the chat so we really have to do everything by phone to help him out. Okay? Thank you.

James Bladel: Simonetta, would you mind?

Alan Greenberg: She has her hand up.

Simonetta Batteiger: Sure, I mean, there's not much to add beyond what was just been read. But, I mean, as you might know I'm a product manager so the type of problem that (unintelligible) here is what I do everyday. And when I'm looking at this the first thing that I put in the chat is I look at the TDRP kind of like the FAQ document or the business logic explanation of what you're trying to solve.

So the problem is you have all these complaints. And you're trying to figure out how to (sort) these out. But - so you have to make some kind of a rule set for it which is the TDRP currently or piece of it is that.

So when there's complaints with the TDRP I think we need to understand are people complaining about what the TDRP is saying? Are they saying those rules are wrong, they're unfair? It shouldn't be done this way, it should be done another way.

It sounds like the complaints we're getting without knowing the data very well aren't about that; they're more about I don't know how to file my complaint, the person that I filed my complaint with isn't following up and things like that.

So then we need to take a look at these complaints and see what are they saying or, I don't know, are 80% of the people complaining about the same little thing then this should be probably one of the most important things we need to address and take a look is this complaint because the policy doesn't govern how it needs to be dealt with or is this complaint happening because it is too cumbersome to deal with this process and/or people just plain don't know how to use it.

Then if it's the second one it's somewhat easy to track because all you need to do is put some kind of a (content) on the problem that funnels people into the process which is relatively easy to do I guess. So I guess you need to start with looking at where the complaints are and then taking a look at are they there because the policy is wrong or are they there because it's too hard to use it? And then you can figure things out from there.

James Bladel: Okay thank you, Simonetta. And I think you're absolutely right. It's - what we need right now is some market research going back to our product analogy. Lars, can we go next in the queue?

Lars Hoffman: There is no one in the queue at the moment, James.

James Bladel: Thank you.

Lars Hoffman: This is Lars. Can you hear me? There's - yeah, there's nobody in the queue right now.

James Bladel: Okay thank you. Well listen, we're dropping staff and both of our co-chairs and I'm going to have to actually get to a hard stop. So let me propose this for a way forward. Why don't I take this - because I think this is a worthwhile

discussion to have before we spin up a lot of cycles and volunteer hours on what's wrong with the TDRP.

I think it's, as many have said, it's important to understand what, you know, what the problem is, why it's not being used. I think that we have a very clear message coming from Compliance and from Registries and Registrars that this is not a well-used process. And I guess the next question - the follow up question is why.

So let me write that up and start that analysis. I think there's some questions that we could perhaps ask of Compliance like for example, you know, what is the breakdown of TDRP uses and cases? What are - what are registrars telling their registrants when a dispute arrives at their doorstep? Why, you know, what is the level of familiarity? Is the problem that no one's even aware that this process exists as a mechanism?

So maybe that's, you know, we have some information - I'm sorry, we have some data, now let's may be go and convert the data into information so that we can have an informed discussion about this.

But I think this has been a good conversation to have because it causes us I think to take a hard look at some of these questions and say, you know, what is this? Is it broken? What was it intended to do and can we fix it or is it really - is there anything salvageable here or does it need to be replaced?

So I will write this up into a thread and get this posted to the mailing list today. I certainly appreciate everyone's time. And if the queue is still clear, Lars, then we can end the call.

Marika Konings: James, this is Marika.

((Crosstalk))

Marika Konings: I just had one small comment because I think you were saying questions for Compliance but I think the questions you are asking are basically better directed to Registries and Registrars because as you know, ICANN itself is not really involved in the TDRP itself.

So for information on the number of cases and why they're being initiated it may be worth reaching out to Registries and Registrars, you know, maybe in the form of a survey asking some of those questions that, you know, why haven't you initiated any TDRPs or what are the reasons?

Or maybe it's something we would try to reach back through some of the people that do complain to ICANN Compliance and basically to transfer-related issues whether they have been made aware of the option or have they spoken to their registrar. I think it's - we will probably need to consider a little bit further on who the questions should go to and what would be the best mechanisms to ask those.

James Bladel: Yes. And I apologize for being a little glib there. What I was thinking was the TDRP obviously will have to come from Registries and Registrars but the nature of the complaints to Compliance, as Holly had pointed out, I think that not all of them will be contextually appropriate for TDRP. So, you know, can we get an idea of what that mix or what that breakdown is?

Holly Raiche: Look, I'm just going to butt in quickly to say there was a presentation at Beijing; it would be worthwhile going back and having a look at it because there was a huge number of complaints. Very few of them actually involved TDRP.

So what I said at the time, and say again, let's use the complaint data that we have, that we were briefed on, go back and have a look at it as well as any other information. But let's not lose the work that Compliance did already to give that kind of framework to, you know, to better address where we're going to fix - to better understand the problem we're trying to fix.

James Bladel: Yes, thank you, Holly. And I think that's correct. Okay any other folks in the queue?

Lars Hoffman: This is Lars. There is nobody in the queue at the moment, James.

James Bladel: Thank you, Lars. Okay everyone thank you very much and we will meet again next week. And please watch your inbox for a continuation of this conversation on the list.

Holly Raiche: Thank you very much.

Alan Greenberg: Thanks, James.

Lars Hoffman: Thanks, James.

Barbara Knight: Thanks, James.

((Crosstalk))

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