

GNSO Working Group.
21 June 2008 (pm session)
Paris, France
Agenda

<http://www.gnso.icann.org/meetings/paris-agenda-21june08.shtml>

6. Front Running (15:45 - 16:30)

Front Running WIKI
https://st.icann.org/gnso-council/index.cgi?front_running

Working Group participants:
<http://forum.icann.org/lists/gnso-fr-dt/msg00001.html>

>>AVRI DORIA: Hello, everybody! It is now 15:46. We're a minute late. We're late, we're late!
So the next item on the agenda is frontrunning. Frontrunning.
You guys, there -- have it either or, you know, come and join this conversation.

[Laughter]

>>AVRI DORIA: Basically, we have a pending issue, frontrunning, basically based upon sort of board minutes and an ALAC letter. It was a discussion of basically there was a proposal -- just to remind everybody of how we got here, there was a proposal that the chair determined that emergency action is not required, but the matter will be referred to the GNSO for additional information or policy development, if necessary, but not an emergency action.

There was a discussion from Steve Crocker, and there's a note that referred to it about frontrunning and where it stood.

We basically decided that we would set up a drafting team to come up with a proposal of how we wanted to handle it. We set up a small team -- is Liz here? Liz has the small team. We don't have our staff.

But anyhow, a small team was set up. I don't remember who's on it. That was what I was going to ask Liz.

And the list has been started, but I don't think has actually ever done anything yet. That is correct? You're on the list. Thank you.

So we're at a point now where we could check the public archives and they'd be empty, so we're at a point now where we still have something on our table. We still have an obligation to respond to the question that was sent by the board in terms of do we want to provide additional information, is policy development necessary, do we have a response.

Now, what the drafting team was supposed to do was basically talk about it and decide whether -- you know, perhaps draft the response or perhaps draft work that could be done in, you know, policy development work that could be done, if necessary.

And that hasn't started yet, and I'm sort of at odds to know where we go from here. Is it just that that team needs more time? Is it that events have passed us by and with the changes in -- you know, in the -- I'm losing my words.

>>J. SCOTT EVANS: add-grace period.

>>AVRI DORIA: Thank you very much. In the changes in add-grace period and all that that's waiting on budget approval and budget approval and the board will maybe act on those this week, next week, whenever they act, has that obviated the need. Has -- I mean, and I guess there's a hypothesis that sort of says you get rid of the add-grace period, frontrunning goes away.

I've also heard things saying, "Are you sure?"

And so I don't know where we're at on it at the moment and I put it on the agenda so that we could figure out: Do we send back a note saying, "We think add-grace period is going to take care of it?" Do we ask the design team to look into it? Do we need more information? Where do we go from here? Because at the moment, it feels like we stalled on it, and we need to un-stall. Yes, Kristina.

>>KRISTINA ROSETTE: Alan, if I could impose, given that the request originated from the ALAC, can you give us a sense as to whether it's limited solely to the tasting component or not?

>>ALAN GREENBERG: I'll use an answer that Paul Twomey used yesterday. No.

[Laughter]

>>ALAN GREENBERG: No. I can't answer that --

>>AVRI DORIA: You could not answer, right?

>>ALAN GREENBERG: No. She said, "Can you tell us?" And I said, "No." But Paul did use it with the word "yes" yesterday, so...

It's something I need to discuss with a few people today or tomorrow or sometime soon, so I don't know. I -- my gut feeling is that the incidents which have been talked about did use the AGP.

>>KRISTINA ROSETTE: Okay.

>>ALAN GREENBERG: Whether that's a definitive answer, "Therefore, we don't care anymore," I'm not sure I know the answer to that.

I suspect the answer is, "Let's see what happens at this point," but I don't know for sure.

>>AVRI DORIA: Yeah. I've got Chuck and then J. Scott.

>>CHUCK GOMES: So if they -- if frontrunning is done 10% of the time, it's okay?

>> Come on, Chuck. Chuck, come on.

>>ALAN GREENBERG: I'll take off my non-constituency hat and put on a personal one.

If registrars have to be selective enough to decide which one they frontrun and which ones they don't, it probably will be done on a process that's acceptable like asking people do they want to do it or not. If they only -- if they only pick the interest-sounding names we still have a problem.

>>AVRI DORIA: Okay. I have J. Scott and then Tim.

>>J. SCOTT EVANS: To answer Avri's questions, I think we need to wait till the end of this meeting to see where it's resolved and what resolutions have taken place, and then I think you need to give direction to this group based on what occurs. And that might be, given what's happened at the Paris meeting, do you feel it needs to go forward or" -- but I think that's the answer to your question is, I think it has stalled. I think question is, the reason it's stalled is there's so much unresolved at the board level, they don't know where to go, so I think they need to see what happens at this meeting and then do a reevaluation.

>>AVRI DORIA: Okay. I have Tim and then I have Mike and then Alan, then Liz.

>>TIM RUIZ: So just to add to that a little bit, I think to also include feedback from the ALAC that Alan

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>>KRISTINA ROSETTE: Yeah.

>>TIM RUIZ: Okay. And just the comment about the 10%. Keep in mind that registrars, especially those that are -- that the ALAC was concerned about, you know, they have other deletes that they have to deal with during that five-day grace period, so that 10% is likely to just cover them on what they would normally need to do and really limit anybody's ability to do the cart hold type of thing.

>>AVRI DORIA: Okay. Tim, then I had Alan.

>>MIKE RODENBAUGH: I think you had me. Avri, I thought you had me next.

>>AVRI DORIA: Oh, yes, I did. I'm sorry.

>>MIKE RODENBAUGH: Just really quick, I just want to make this suggestion, that we also -- perhaps staff can ask SSAC for an update of where they're at on this, because I know one or two meetings ago, they were considering whether or not they were continue -- going to continue to consider this issue, because their initial research didn't turn up any hard evidence of cases, but there was still quite a few people in the community saying, "These things are happening" and urging them to continue their work. So I'd just -- we haven't heard from them in a while and it would just be good to know where they're at.

>>AVRI DORIA: Thank you. Okay. I had Liz.

>>LIZ GASSTER: I just wanted to close the loop on something that I posted to the council.

When the report from the staff first came out on the 29th of May, Avri asked a question about what we had in mind when we were recommending a study, whether a study would be done -- you know, what group would do the study. Is that a SSAC thing or what?

And it took me a while to get kind of clarification internally on what was really being recommended, and the operations group is looking at conducting a study or having a third party conduct a study on this.

So that is something that is -- the details of it aren't defined, but the plan is for the operations group to do a study to determine whether frontrunning is happening by contracted parties.

>>AVRI DORIA: So a question and I'm jumping in.

That would also seem another thing that would need to be understood before we got to a policy development question. Is that -- I see nods.

>>J. SCOTT EVANS: If you don't, you're going to end up with the same thing you did in the WHOIS debate where people say you have uninformed decisions, so I think that's correct: If we're going to have something that will inform the debate, you know, the study will inform the debate, I think that's essential.

>>AVRI DORIA: J. Scott, tainting something by calling it like WHOIS is an unkind move.

[Laughter]

>>AVRI DORIA: Okay. I've got Alan and then I've got Jeff.

>>ALAN GREENBERG: I support the last couple of things that have been said. We're dealing with a situation where some people said frontrunning was going to go away completely with the 20-cent budget type fee. There are other people who say domain tasting is going to go on rampantly despite the AGP -- the recommendation we made to the board, which they will hopefully accept on the 10% limit on AGP deletes.

There's a wide range of feelings on this. I think we have a little bit more solid ground before we try to launch a PDP, so...

>>AVRI DORIA: Jeff.

>>JEFF NEUMAN: And I would say we need some solid ground before we even do a study and have ICANN spend a lot of money on a third party to look at contracted parties.

I mean, we got to prove that it's an actual issue. I think the way it gets handled is more on a contract compliance. If there's a red -- if someone's got a specific complaint about a registrar engaging in that activity, then maybe ICANN staff, compliance staff, looks into it, tries to figure out the problem. But to have a study done by, I don't know, some economic expert or whoever that would do it, it just seems like a -- you know, it's 60 million now, 62 million, whatever we're at. I mean, this is just crazy with the ICANN budget. Let's stop the studies and figure out if there's really a problem first, and it's not going to be an economist that tells me that there's a problem.

That's one.

Number two is with the AGP. You know, look, we implemented that in dot biz starting June 1, which was only about -- just a little over two months after the board approved the motion, and the only reason we waited that long is because we had to give the registrars 30 days' notice. So we could have done it -- despite what the paper says that just came out, that says that all registries will need three to six months, yeah, there may be some registries that need longer, but despite what the paper says that that's just not reality with all registries.

But I will say for dot biz, with the exception of a couple registrars that, oops, forgot that the rule went into effect June 1st and did some tasting the first few days of June until we called them up, that the amount of deletes during the add-grace period has dropped significantly to where we can say that putting aside those first -- those first couple registrars that messed up, that there's no tasting going on.

>>AVRI DORIA: Thank you. I had --

[Applause]

>>AVRI DORIA: I had J. Scott and then Kristina.

>>J. SCOTT EVANS: My comment with that is I agree with Jeff on fiscal prudence, but if we decide in order to do anything because we decide it's not a problem because of however we go about doing that, I just think that the important thing, and where we lose it a lot, is we don't message that back to the community well enough, and we need to be very cognizant of the fact that if we decide it's not a problem, that needs to be clearly communicated, because this has really been in the press a great deal and we need to make sure that we clearly communicate the rationale for that, and we can back it up.

>>JEFF NEUMAN: And I agree completely with that, and what I would say is, unless we -- unless someone shows us that it's a problem, we shouldn't be out there venturing -- you know, someone demonstrates with some evidence that it's a problem, then we shouldn't be looking for work to find a problem. So I agree with J. Scott. We should communicate it, and if someone can actually point to hard evidence that this is going on and it's a problem, then, yeah, maybe we should take it up. But until that happens, it's just a lot of money and resources.

>>AVRI DORIA: Yeah. I had Kristina on.

>>KRISTINA ROSETTE: Well, it just made me realize I was wondering whether we were going to have an opportunity today or tomorrow to talk a little bit about the draft implementation paper that has come out on tasting. Whether we -- we had made room for that.

>>AVRI DORIA: I don't think so.

>>KRISTINA ROSETTE: Could we?

[Laughter]

>>KRISTINA ROSETTE: Or I could just corner Rob and grill him.

>>JEFF NEUMAN: We could just end this frontrunning --

>>AVRI DORIA: Actually --

>>JEFF NEUMAN: We could end the frontrunning early because how much time was allowed?

>>AVRI DORIA: Right. We certainly -- we have -- what did I have in the schedule here? Let me go back.

We could certainly -- if he was ready to jump into it --

>>JON NEVETT: You have another half hour.

>>AVRI DORIA: That's right. We were going to start at 16:30 so we have another half hour that if basically people are happy with -- we have a list of, you know, that we understand that it's -- that the drafting team is stalled until we get direction based on board and feedback from ALAC and find out what is happening with SSAC and look at what the operational group is doing, and until we have more information we basically ask that -- I mean, they can talk about it. There is a list. People are on it. If they want to talk about it from the theoretical point of view, there's a list. They could talk about it.

But until then, we'll just table the idea. Is that an acceptable notion? And if so, then perhaps, Rob, if - if you're willing, we could spend the next half hour as Kristina has recommended.

Okay. Chuck?

>>CHUCK GOMES: Yeah. Just -- let's just make sure we communicate with those who volunteered to be on that working group what's happening.

>>AVRI DORIA: Certainly. We have at least one here, but we have Liz also, and certainly that would make sense.

To anyone that's on that working group -- and I know there's at least one here -- does that approach make sense?

>>JON NEVETT: Yes.

>>AVRI DORIA: You're on that, and huh?

[Speaker is off microphone]

>>AVRI DORIA: But will you be frustrated by doing nothing harder?

>>ERIC BRUNNER-WILLIAMS: No.

>>AVRI DORIA: Okay. That's good.

>>PHILIP SHEPPARD: Avri, was it clear who the leadership was on that group? I mean was there a chairman? Was staff leading?

>>AVRI DORIA: It was being coordinated by staff.

>>PHILIP SHEPPARD: Being coordinated by staff, okay.

>>AVRI DORIA: Yeah. And basically, I think most of those drafting teams have been coordinated with staff, with it up to the groups themselves if they want to pick a leader. But the drafting teams are very small ad hoc things. They're not like working groups where we're picking a leader. At least that's how we've been doing them, you know, up till now. I don't think anybody has risen to say, "Yes, I want to lead this thing" nor has the group pointed at someone saying -- yes?

>>CHUCK GOMES: Yeah. I think one of the problems on this particular -- in this particular case was that -- and we can learn from it -- is that we as a council, when we initiate something like this, need to make sure that we send out reminders to ourselves, as constituencies, to make sure we get members in that group.

What happened was, is that it was assumed that everybody would submit somebody if they had anybody interested, and that didn't happen, so we're two weeks into it and all of a sudden we realize, hey, this thing has a due date in about a week.

So just procedurally, we can probably handle that better in the future.

>>AVRI DORIA: Something for our process standing committees to concern themselves with.

Which, I mean, I say facetiously, but not totally.

[Laughter]

>>AVRI DORIA: Okay. In that case, if that understanding is fine for now and move along with that, Rob, would you like the -- is there anything you want to show or just talk?

>>ROB HOGGARTH: Yeah, this wasn't on the agenda but I'm delighted to talk about it.

>>AVRI DORIA: Yes, it wasn't and I appreciate T.

>>ROB HOGGARTH: Sure. Just to put it in context for everybody, from a staff perspective, one of Denise's future philosophies and real strategies is to help improve the implementation process post-policy development process. It's essentially to move implementation as far up in the process as possible. To have within the discussion of changing policies an active discussion, an active consideration of what some of the implementation challenges may be.

The implementation advisory -- not a draft document, but essentially the implementation advisory on domain tasting was an effort to do that. The document, put together in collaboration with a number of staff members, was designed to essentially begin to put some of the issues out on the table this we're thinking about, noting that it's very important to move as quickly as possible, once the board approves, as we expect they will, the GNSO recommendation.

So that document was, for use of a better term, a real thought piece to try to identify and flag a lot of the implementation issues that we're looking at, and it was shared specifically with the GNSO to create an atmosphere for some feedback and comments.

The ultimate goal is, after board approval, that there will be an implementation consensus policy drafted that there will be full opportunity for the industry to comment on and give input and feedback, but that's essentially the context in which that document was prepared.

And, well, yeah, I'm happy to, you know, field any comments or questions here, and in the future.

>>AVRI DORIA: Okay. I've got one -- I've got one hand up, Jeff. I've got Kristina. Good start.

>>JEFF NEUMAN: Yeah. I think the paper was good in pointing out some issues. I think one of the issues I have with the paper is that it seemed to create the impression that the board proposal for the fee would create a lot less work for the registries and registrars than would the GNSO consensus policy process, and I'm not sure that that's the case.

I think there's -- there's going to be work with either one. You know, there's reporting that it seems to require with the board's recommendation, and that reporting is similar to the reporting that we would do -- that we already do for biz, now that we've implemented the process.

So it seems to create a lot larger gap than I think what actually exists, and so one of the things I would recommend -- you know, I think it's great you guys did an implementation paper, but maybe when you do these implementation papers, if you wanted help from registries and registrars to actually give our input into it, that that might be more beneficial before it goes out to the community, because I would have -- it is true that when we were initially asked back in March, I guess, how long it would take us to implement it, we did say it could take up to three months, and maybe Afilias said three to six months, but it turned out that the implementation, because it got passed the way we wanted it to, it turned out that it only took us two months and one month was only so we could give notice to the registrars. I can't speak for VeriSign and dot com and -- you know, they have a much larger system. I will say that it probably doesn't make sense for anyone to hard-code these changes, especially in their billing, because the assumption is -- most of us do it manually. I know we do, and I think Afilias is doing it manually as well, the billing. Because the assumption is that once this rule goes into effect, there really won't be registrars that are going to be above the 10%, and there may be a couple but it's not enough to actually do hard-coding in the registry's software that would actually cost a lot more money than anything you would ever collect.

So again, I think Chuck needs to check with VeriSign because they're really the most complicated one, being the largest and would have the most significant changes. So VeriSign's input on that would be extremely helpful, but for a registry our size, and probably even Afilias' size, it really is not as bad as it makes it sound. And I would also proffer that the reports that ICANN is asking the registries to give for their budget proposal is just as onerous to us as the policy itself.

So I don't view it as the big gap that this paper makes it sound like there is.

>>AVRI DORIA: Okay. Thank you. Kristina?

>>KRISTINA ROSETTE: Yeah. No, I thought it was helpful. I just had a couple -- two clarifying -- well, actually three.

One thing that I'm not clear on, from this paper, is: What exactly triggers the notice from ICANN that starts the implementation clock? Is it the board resolution? I mean, if the board passes -- approves our motion -- I mean, approves our policy recommendation on Thursday, does that clock start as soon as that's written up and sent out, or does the clock start when whatever implementation guidelines staff decides to prepare are finalized and ready to go? And if it's the latter, it would be helpful to me to have an understanding as to why.

>>ROB HOGGARTH: That's an excellent question that I don't have an answer for you, but I -- in conversations with some of our services --

>>AVRI DORIA: Bruce, were you raising your hand to answer that or do you have a question you want to add.

>>BRUCE TONKIN: No. I'll answer that, if you like.

Generally, Kristina, the way the policy -- talking about a consensus policy, it's formal when it's actually on the ICANN Web site under something like ICANN.org/consensus-policy, and normally there's a gap but sometimes it's as long as 12 months, I must say from past experiences, between when the board approves the policy and when the staff specifies that, you know, the legal form of its implementation. But in your answer as to when does it start to -- you know, when it actually implements? When it's posted there.

Does that answer your question?

>>KRISTINA ROSETTE: Well -- well, that then raises the question of: Does it get posted as soon as it's approved or does it have to wait until the actual implementation --

>>BRUCE TONKIN: No. Yes, the latter.

>>KRISTINA ROSETTE: The latter dong tong the latter, yeah. So the basically approves the policy and then the staff basically create the implementation of that, which is, you know, effectively the legalese, if you like --

>>KRISTINA ROSETTE: Okay.

>>BRUCE TONKIN: -- on how it's implemented.

>>J. SCOTT EVANS: But I thought that the reason that you're going with this model of doing this at this point is to shorten that gap, so the discussion is happening earlier in the process rather than there being a separate discussion, there's sort of a tandem discussion going on, in hopes of compressing that time down.

>>BRUCE TONKIN: Absolutely, yeah. But Kristina's question was what actually happens. Evans etches okay.

>>BRUCE TONKIN: You're just talking, J. Scott, about how long that should take, so hopefully not very long, but the actual process of it is the board approves it, then the staff implements it, then posts the implementation.

>>KRISTINA ROSETTE: Then my next question -- and I have a couple more -- is: In light of that, because if I'm understanding Bruce correctly, it has to go up on the ICANN Web site and comply with the formal notice provisions that are in the contracts but it can't go up on the Web site until it has the implementation step, what kind of date are you all working from?

>>ROB HOGGARTH: As soon as we can.

>>KRISTINA ROSETTE: All right. Okay. Then another question I have is on Page 5. In the discussion of subsection (b), the availability of exemptions, what I'm not clear on is that the language itself says on its face that the acceptance of the exemption is at the sole and reasonable discretion of the registry operator.

And I wasn't quite sure, then, how you saw that fitting in with the possibility that guidelines are going to be drafted as to what constitutes an extraordinary circumstance. I was hoping you could get -- just clarify that a little.

>>ROB HOGGARTH: Yeah. My recollection of that is that there were comments during the consideration and the debate of this where individuals pointed out that there appeared to be some lack of clarity, and from a staff perspective, some of our discussions, we thought it would be appropriate to provide some guidelines, to have a more consistent process, and that's what we're thinking about right now, pending, you know, other input or feedback that we get from folks.

We just thought that that was going to be better for the community as a whole to have that -- some level of consistency.

>>KRISTINA ROSETTE: Okay. And then I have one more.

The last one is: In the discussion of whether or not the information surrounding the application for and granting, or whatever the word you want to use, for those extraordinary circumstances, whether that will be made public.

I read this as saying that at this point, that will be viewed as confidential. And maybe I misread it, but in that case, that would be great to clarify.

But I guess the one thing that I was wondering about is that to a certain extent, you should, in theory, be able to figure out, once we've got full implementation and then you have kind of the three months and everything is made public, so that, you know, I could conceivably at that date look at, for example, the VeriSign report and say, "Okay, here are the 20 registrars that based on my math are, you know, above the cap," and so that they either had to pay for it or they got an extraordinary circumstances exemption.

Do you anticipate changing that very specific reporting requirement as to deletes add-grace? Do you see changes in that?

>>ROB HOGGARTH: We raised it as something for discussion.

>>KRISTINA ROSETTE: Okay.

>>ROB HOGGARTH: It's not -- we don't have any forgone conclusions with respect to that at all at this point.

>>KRISTINA ROSETTE: Okay.

>>AVRI DORIA: I have Chuck, then Jeff, then Alan.

>>CHUCK GOMES: Yeah. I thought I'd respond a little bit to what Jeff said about the complication with regard to the VeriSign system, and as I was reviewing this -- and by the way, I have not talked about this with our business or technical people and will do that shortly.

But the one area that I saw could be challenging is the exception process, to make sure it's properly logged, you've got good records and stuff like that.

So if there's one area that I -- being a nontechnical, nonproduct person, raised a flag in my mind was that exception procedure to make sure -- and because of our volume, chances are we'll get quite a few of those, so I'm just communicating that's something that I flagged that probably could be a little more complicated than just the basic policy implementation.

>>AVRI DORIA: Thank you. Jeff?

>>JEFF NEUMAN: Yeah. So the first comment is on -- I think that guidelines would be helpful for exceptions but I don't think that that needs to be in place before this gets launched. I think that's part of the review process because I'm not anticipating that many applications for exemptions and I think that's something that, you know -- I don't remember if it's six months or whatever it is. That's probably a good topic to take up at that point, to see if -- you know, because we could theorize all the possible exemptions that might be asked for, but I think that's kind of a waste of time. And I think, you know, I would recommend waiting for the first review period to do that, so it doesn't delay implementation.

The second thing is kind of the distinction between -- or my question that hasn't ever been answered by anyone, really, definitively, is -- or maybe it's a point.

If the registry grants an exemption -- let's say it's based on fraud or whatever it is -- why is that not reflected in the ICANN budget proposal?

In other words, if there is a fraud and if the registry grants an exemption, then the theory is that that exemption should apply -- they shouldn't have to pay ICANN fees if that exemption is granted.

If the board's goal is to stop tasting, then it shouldn't have any interest in collecting that fee and I see it as more of a punishment.

Now, if the registry is not doing its job and grants willy-nilly exceptions then again that's something that could be addressed in the review period, but I have yet -- I've made the comment at least four or five times to ICANN staff and board members over the last couple months since the first proposal came out. It really needs to be reflected in there and if it's reflected in there, then the budget proposal is no different than the consensus policy proposal and then there's no -- it should be on the same time line, whatever that is.

>>TIM RUIZ: Avri?

>>KRISTINA ROSETTE:

[Speaker is off microphone]

>>JEFF NEUMAN: It's not in the budget. If you look at the paper, the only thing in the budget if it's over 10%, there's a charge, period, and that's how they get around saying, "Well, we don't have to deal with those complications of exemptions. Therefore, we can implement the budget tomorrow." Or whatever. You know, July 1st.

So I -- I don't know if there's some other motive there or -- because nobody's answered the question. I guess that's what I'm waiting for, someone to definitively answer that question.

>>AVRI DORIA: Okay. Thank you. I've got Alan, Chuck and then Tim.

>>ALAN GREENBERG: Actually, Jeff just raised both of my issues that on the special -- on the exemptions, since the policy says "sole discretion," the recommendation list, the suggestion list on what recommendations are don't have to be there day one. And whether it is six months or simply six months later because you have haven't gotten it done, there is no reason to delay implementation for that.

Again, similar to what Jeff said, if the two fees for AGP -- excessive AGP deletes are brought exactly in line with each other which the board almost did on the budget but not quite, that's going to lesson the cost for everyone to implement and decrease the implementation time. And from my perspective, decreasing the implementation time, getting this on the books and working is the clear priority at this point.

>>AVRI DORIA: Thank you. Okay, Chuck?

>>CHUCK GOMES: I have a couple comments and couple questions, I think, Rob, keeping in mind I did this with on my trip here so maybe I missed something.

So, first of all, there was quite a bit of discussion about the policy and monitoring it and keeping records and evaluating the effectiveness. I didn't see the same thing for the 20-cent fee implementation I think you wanted on both.

And then a comment -- a comment related to that is that we need to have a good picture of what's happening now and then what happens once the 20-cent fee is happening and then, again, a comparison of what's going on once the policy is implemented.

Because if you don't get all three of those pictures, you're not going to know the impact of the other. So that's just a suggestion of maybe a little bit more in that regard. And then I had a couple -- couple questions. One of the things said there was, "A registry should expect the same level of confidentiality that they are currently accorded but the staff should investigate additional opportunities to generate aggregate data reports that can be of immediate use to the broader ICANN community." I think that's going in the right direction, the aggregate part and so forth -- I guess this is more of a comment than a question, that we need to just be careful there because we, in our relationships with registrars, have confidentiality agreements that we need to deal with. And I think you're aware of that. So that really turns more into a comment.

Now -- and then as far as timing -- And this particular note is in Section 3 on ICANN billing software changes. It seems to me both registrants and resellers, in addition to registrars, are going to need notice on this thing. So I don't know what that is. That's something we can decide. But I believe that would be necessary to give some notice to them, certainly a reasonable, I think, customer service expectation.

>>AVRI DORIA: Thank you. Tim?

>>TIM RUIZ: Just kind of a minor -- well, an important one, though, in 4 where it talks about the reporting requirement to ICANN. Of course, the intent was that reporting to ICANN and it becoming public were two different things, not necessarily the same thing.

And I just made the comment that the registry constituency opposed that. And I won't say the registrar constituency because we haven't taken a position but a number of registrars also oppose that. So the registry is not alone entirely in that feeling. Opposed to public disclosure as an automatic thing is what I am talking about.

>>AVRI DORIA: Do we have any other comments on this at the moment?

>>JEFF NEUMAN: My question is -- I guess my question is still open there, and I would like at some point for the staff or the board to come back with an answer to that as to why there is a difference between the two proposals and whether they would entertain making them exactly the same.

So, I mean, the comments are good, but we're in a room all by ourselves here and I have no assurance that staff or board will -- I mean, Bruce is here, but other than that, it would be nice to get a response back prior to Tuesday.

>>TIM RUIZ: I have a question on that.

>>AVRI DORIA: Sure.

>>TIM RUIZ: If I may. Could it be that the staff is considering that it will be automatically dealt with in the reporting from the registries on the transactions or -- could that be the case or is that not --

>>JEFF NEUMAN: If all they ask for is the percentage of deletes or the number of deletes above the 10% or 50 threshold, then no because technically the answer is there could have been 12% deletes but 2 of the percent or even 7% of the deletes were waived because, you know, there was fraud or whatever it was. So it depends on how ICANN asks the question.

>>TIM RUIZ: Okay. So the answer could be potentially that they only intend to apply it on the net -- the deletes net of exceptions?

>>JEFF NEUMAN: I would like that explicitly stated.

>>TIM RUIZ: Okay, yeah.

>>AVRI DORIA: Yes, Alan.

>>ALAN GREENBERG: Yeah, just a quick one in the same vein. I guess I'd request that ICANN staff, as best possible, think out of the box on how to get this in place moderately quickly and not serialize everything. In other words, Jeff made a come on notifying registrars. You don't only have to notify registrars after the code is all done. As soon as the board makes the decision, registrars can be notified it is coming down the line with perhaps some variation in the date.

>>AVRI DORIA: Okay, thank you. Any other comments at this point?

>>J. SCOTT EVANS: Just one. I would like to thank Denise and the staff to take this proactive step to move this along quickly.

>>AVRI DORIA: Good, thanks.