

GNSO
Inter-Registrar Transfer Policy A PDP Jun08 Working Group teleconference
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<http://audio.icann.org/gns0/gns0-irtp-pdp-20081202.mp3>
<http://gns0.icann.org/calendar/#dec>

Participants present:

Paul Diaz - Working Group Chair - Networksolutions Registrar c.
James M. Bladel - Godaddy Registrar c.
Barbara Steele - Registry c.
Mike Rodenbaugh - CBUC - Council liaison
Michael Collins - CBUC
Mikey O'Connor - CBUC
Kevin Erdman - IPC
Marc Trachtenberg - IPC
Sébastien Bachollet - ALAC

Staff:

Olof Nordling - Manager, Policy development coordination
Marika Konings - Policy Director
Glen de Saint Géry - GNSO Secretariat

Paul Diaz: And Glen if you would, can you do the roll?

Glen DeSaintgery: Yes, definitely: Paul Diaz, Kevin Erdman, Mikey O'Connor, Mike Rodenbaugh, (Sebastian Bachollet , Barbara Steele, Michael Collins and for staff we have Marika Konings and myself, Glen. (Marika) is (Olof) also perhaps with you?

(Olof): Yes, I am, I am, I am.

Glen DeSaintgery: Okay.

(Olof): Surfing in the background.

Glen DeSaintgery: Thank you. All right.

Paul Diaz: I just got an email from (James Bladel He said he's having a little trouble getting in and should be joining us momentarily and then again, Marc Trachtenberg says he'll be joining about 15 minutes late today.

All right everybody. Thank you. For all of the U.S. based folks, hope you had a wonderful Thanksgiving break. We're here again talking about our transfer issues and for those of you who may have dialed in a few minutes early, you might have overheard Marika and I having discussion and follow-up about her recant to legal. Marika I'd ask if you could just kind of fill everybody in now that we're on the recording.

Marika Konings: Yes, this is concerning the clarification on the bulk transfer provisions that currently are contained and then transfer policy and basically trying to find out whether those provisions would also work for a registrar wanting to transfer while being de-accredited for a number of

domains and one gTLD; so not all domains under their - in that company but only within one certain gTLD.

The initial reaction we got from legal counsel was that, you know, it probably could be interpreted that way but further clarification was asked - or feedback was asked from several of the staff and the feedback that we received there is that this has never been the case before and to date, service staff has interpreted that provision as meaning all registrations. So not just in one gTLD but all registrations managed by a registrar although they could see that the provision could potentially be interpreted meaning all registrations in one gTLD.

So from our perspective, we're trying to get further clarification from legal counsel - what would be needed or required to get clarification firmed up or whether alternatively there is something the working group should undertake in its report to get that clarification or, you know if there will be a need to modify the language if that would be an appropriate step to take.

So as mentioned before, due to the holidays, we don't have a firm answer on that yet but I do hope to get some feedback on that shortly so the group has more information to discuss what would be appropriate to do in this context.

Paul Diaz: Okay. Thank you Marika . You know, for everybody on the call, it's kind of an interesting dilemma that we have here or interesting position that we're in, in that it seems that the initial feedback is not necessarily no from legal. Their interpretation in terms of would a particular TLD - could they be individually split up.

It's just never been done before and therefore, there's no precedent so given what our previous discussions were, you know if I understood correctly and Barbara correct me if I'm wrong, but it seems that the registry operators interpreted it, you know a little more broadly or a little more loosely in that it could apply to just individuals.

You could break out individual TLDs for a regular bulk transfer. You know if we as a group think that that interpretation is one that we, you know - ought to be the norm, then I guess the question becomes for our initial report, do we put together some language making that position.

And you know probably have a caveat saying this view has not been confirmed or what have you by legal or do we want to simply hold off on making any judgments, leave something of a placeholder in the report saying that, you know we have these different interpretations. Legal is still working on a formal position and you know at least for the initial report that will be enough.

And then in the interim, during the comment period and all, there will be plenty of time to get a formal clarification. I'm open to any thoughts here because again, since there's no precedent, I don't know if there is really a right or a wrong way of doing this. What do you all on the call think? What's the group think?

Barbara Steele: Paul this is Barbara Steele.

Paul Diaz: Sure Barbara.

Barbara Steele: I think that we do need to get this - I guess get my team to address this because we did recently receive a notification from (Patrick Jones) relative to a registrar that has been de-accredited for all but one TLD. Now it appears in that particular case, they didn't have, and it could very well be that they just managed to do transfers using, you know, you traditional transfer commands of any domain names that were under the TLDs for which they no longer wish to be accredited.

But in the case where, you know, there may be various reasons why a registrar - maybe their business plan has changed and they no longer wish to register domain names or manage domain names for a particular TLD; that would need to have some guidance from ICANN to allow for that - for a bulk transfer to occur in that particular situation.

Marika Konings: This is Marika . To add to Barbara's point, I did hear as well - hear from (Steve) in the office that indeed there have been you know similar cases but then there was always very few domain names. I think there was one case - there were two domain names - while they probably were transferred individually and not, you know no need for a bulk transfer.

Mike Rodenbaugh : Mike Rodenbaugh .

Paul Diaz: Yes, (Mike).

Mike Rodenbaugh : That whole issue raises a big policy concern for me too. I mean should we really be encouraging or allowing registrars to easily drop one TLD from their whole portfolio. You know in the world of a whole bunch of new TLDs, that presents a much bigger problem in my mind. You're either going to have registrars wanting to dump the TLDs that

don't perform. I just don't know if that's such a good idea. I think it's something that we need to think about some more and maybe that's not something for this group at all.

But then on the legal issue, I feel like we should not be waiting for a legal opinion. We should take what we have and make our recommendations and then we have those as input into their opinion as well. I imagine that's what (Dan) and others would prefer.

Paul Diaz: Okay. And that's my inclination as well. It's always easier to edit than to create and I'm sure that you know, we're not going to come up with something so totally off base they come back and say no, we got it wrong. Rather they would just tweak - whatever (unintelligible). Barbara, Marika , with that said, if you're arguing for legal's guidance, are you comfortable with us taking a - you know, putting something on paper and soliciting legal's input during the forthcoming comment period.

So we'll have something in our initial report. You know, try and work out a group consensus on this and then seek the feedback or do you prefer to - I'm not sure I fully understood when you said seek legal's input. Does that mean you would rather just totally hold off? Let them answer first and then move forward on this.

Marika Konings: This is Marika . I don't have a particular view on this. I think it's for the group to decide. I mean we've (unintelligible) asked for clarification from legal staff but as I said, I don't have a firm yes or not. Just a, you know, it sounds reasonable answer for now. So I think it's for the group to decide their how to proceed.

Man: Another approach could of course be that there's a recommendation from the group to have a particular interprotection. That's perhaps a useful input - rather to take a proactive step.

Paul Diaz: Barbara any particular thoughts on your part?

Barbara Steele: I mean I'm fine with the approach that you had recommended.

Paul Diaz: Okay. I'm sorry - did I cut somebody off.

(Mikey): It's (Mike) - (Mikey).

Paul Diaz: Sure - please.

(Mikey): I was just going to chime in behind you Paul. I think it's always good to get something on paper and then let folks edit.

Paul Diaz: Okay.

(Mikey): They can come in behind it.

Paul Diaz: Okay, that's easy enough. Just wanted to circle back - (Mike) you made a point you know about the concerns about registrars no longer serving a particular TLD that they originally accredited. You know I think that's a very interesting point; in particular with the new gTLD process coming.

I would go back at least to last week's call when we were discussing if - like in (Network Solution)'s case for instance, our service contract has that notification period. All of the - at least the top ten registrars have

some form of notification period. So it's not like a registrar can necessarily leave their existing base high and dry by just stopping service in the dead of the night and the registrar would be kind of left wondering what to do. There is a notification requirement and in that case, at least 30 days and some are longer.

So at least for the work of this group right now though, I think that is a much larger question and it's definitely beyond the particular mandate of our working group. I would have to look at the other - the future transfer working group and see. I wouldn't be surprised if that question could be addressed in one of the future ones in particular and also trying to pull this altogether.

To Michael Collins point on the list that you know perhaps some of the concerns that he was expressing from the perspective of large portfolio holders, you know security concerns and ease of use - that classic trade-off; when those issues are addressed in future (PEP)s that all of these issues could be specifically addressed in those future groups.

Mike Rodenbaugh : I think that you're generally right. I just think we should document these thoughts that we've had - (Mike)'s thoughts and our thoughts here on this stopping a TLD issue as part of our response on the partial bulk transfer question so it's there for later groups to consider.

Paul Diaz: Sure. Very good point.

(Mikey): This is (Mikey).

Paul Diaz: Yes (Michael).

(Mikey): I'd like to come in with a set of thoughts as long as we're documenting. I think I want to come back to the marketplace and say - we ought to make the marketplace as friction free as possible. If the registrar wants to drop a TLD because it's underperforming or it's become a wasteland or it's become - it's not a valuable business proposition, I don't think that ICANN should be in the position of forcing a registrar to stay with that TLD.

Mike Rodenbaugh : I think they should for an amount of time. I mean obviously put yourself in the registrar's shoes.

(Mikey): Yeah, I'm fine with the grace period notion. You know the notification period but I pretty strenuously oppose the notion that once you've signed up to sell a TLD, you can't get out of that business.

Mike Rodenbaugh : I agree. Certainly nothing is forever but it ought not be very easy.

(Mikey): Why.

Mike Rodenbaugh : Well, because you've gone and sold this product to users who then invest in the name and now all of a sudden they're left high and dry? What happens if they can't - take it to the ultimate extreme? What if all the top 10 registrars don't want to service the TLD? Then what happens?

(Mikey): Either the TLD totally goes away or someone steps up to the plate. But again, I don't - I think that there's a point at which ICANN should not be dictating to the market.

Mike Rodenbaugh : I agree with you. Again, nothing is forever but it just shouldn't be that easy to do. I feel like it's going to really squeeze out a lot of new TLDs if that sort of a rule comes into play; if it's easy for registrars. So apparently it's never happened today but now there's a request and it does happen and I'm just concerned that that could happen a lot more and end up being a squeeze on new businesses.

(Mikey): Well, yeah - but you know again, I've run several businesses where there was nobody forcing people to buy from me and you know, if I decided to get out of a business, I certainly don't want someone like ICANN to be saying, no - you can't. That will make it very - what it will tend to do I think is it will make people very reluctant to sign up for new TLDs because they will know that they are stuck with them forever if they do.

Paul Diaz: Well let's do this guys, it's very easy to see both points of view that you're expressing and I think it will be a lot easier when we craft some draft language to, you know - if not find total consensus, at least find rough consensus for most of the group and then we can always have - you know, if somebody wants to take it further, you know, an alternate view. So.

Mike Rodenbaugh : I just wanted to get that thought.

Paul Diaz: Yeah, it's understood and I think we can easily address it as we move forward on finalizing the text for our initial report; which in the interest of time I would like to refocus our attention. I appreciate everybody that posted comments to the list onto the broader question of you know do we need to continue discussing partial bulk transfer terms or have we

done a good job here. We've kind of reached a point where we think we can start saying things in our report.

While there were a couple who felt that there could - there should be more discussion on certain aspects, at least the feedback that was received on the list, you know most felt that we've done a pretty good job.

We seem to have reached a point where we can say that in most situations it's either - it could be addressed under bulk transfer terms. Again, assuming we are thinking right now that that could apply per TLD - not all names managed by a particular registrar and as we started the call, that will be a point that needs to ultimately get clarified by legal once we put some draft text in our report or course by existing market solutions.

Again, I come back and we'll probably want to draw heavily on Michael Collins on your posting the concerns you express for the large portfolio holders and I think you captured it perfectly. Those are very easily understood, very valid concerns and yet of course, those are issues that are probably better addressed as security issues and making it more accessible - easier for the registrants and making sure that registrars don't have unrealistic hurdles for their customers to jump over.

All of those are clearly addressed in future PDP so we can draw upon the text in your email and sort of place makers for future reference for the future PDP groups to address.

Mike Collins: Thank you Paul. I might add one thing if I could. May I interrupt you? I think there is one concern that I have that we don't put up any new roadblocks in this PDP and I may be out of turn, but going away from the partial bulk transfer - back to the first issue of registrants email address. One of the solutions that we have is requiring the losing registrar to confirm with the registrant and my recollection historically is that that was another means for the losing registrar to use to input potholes or pitfalls in the process. So I think we have to be careful that we do not do anything that would make it easier for the losing registrar to find difficulties in the process.

Paul Diaz: Sure, very good point.

Kevin Erdman: Paul.

Paul Diaz: Yes, please.

Kevin Erdman: This is Kevin Erdman.

Paul Diaz: Yes, (Kevin).

Kevin Erdman: I just wanted to add one general note to our discussions on partial bulk transfer and particularly in light of (Mike)'s last comment that you know, we pay a lot of attention to well - gee, there are market solutions and other ways of trying to address the problem.

But I just wanted to bring up the losing registrar scenario that (Mike) just brought up and that's an example of a market failure where the regulator really needs to address a problem that the market isn't equipped to handle because that sort of dragging the feet behavior is

all post-economic transaction activity which isn't nearly as susceptible of market forces as when you want to select a registrar.

You know, not a lot of people will say, well - gee, how easy is it to move my domain out of this registrar. It isn't really a question that's easily evaluated when you're making that registrar selection. I just think that we should be particularly concerned with areas where our market solutions are not ideally suited to you know address the problems at hand. So.

(Mikey): This is (Mikey).

Kevin Erdman: I'll get off the soapbox now.

Paul Diaz: No not at all. Thank you (Kevin). Just one sec (Mikey). Just to make sure I'm clear. (Kevin), so based on what you've posted for us on the list or what I've put up for you - just to carry it a little further, you want to underscore the importance of compliance monitoring. That's another issue that we need to make explicit in the report. Is that a fair summarization?

Kevin Erdman: Yeah.

Paul Diaz: Okay. Yeah, that seems something that we've touched on but needs to be made very explicit in the report. Okay. (Mikey), please.

(Mikey): I just wanted to chime in behind (Kevin) on that. I know that we're as a group tending to be very cautious about imposing new regulatory constructs and I think that's a good thing but I think that (Kevin)'s right on the button that there are times when market forces don't work and

those are the times that we have to be especially careful and precise in what we do or don't. Just a yeah, me too for (Kevin).

Paul Diaz: Sure, another vote for the importance of compliance monitoring and enforcement. Okay. All right, with all that said then, I think we're at a point - Marika has pushed out a revised draft of the initial report. In it - I guess it begins on Page 21; she has inserted some new text - draft text, that tries to get at the scenarios that we've laid out.

And also talks about the - or at least presents us an opportunity to craft text for the idea that you know the existing bulk transfer policy may apply in some of these situations. Again, with our view that it would be appropriate per TLD, not necessarily requiring all names under management by a particular registrar and we will have to add some clarifying text to address the concerns that have been raised here on this call.

And also seeking legal comment - legal guidance and if you haven't, I would ask you know if you could please pull up the revised draft that Marika has sent out and you know kind of give it a quick once over and if there's anything that's glaring - since you know I'm sure a lot of us haven't really had time to ponder this and think about it in great depth.

What I want to do now is - and here's my thinking and again, we're definitely open to the group's thinking on how to move forward. I think it might be best since we sort of reached a point where I think we can start finalizing our draft; it might be good to kind of go back through what we already have.

For the moment just recognize we have this new text starting on Page 21. I think we're probably going to need the remainder of this call and next week's call but I think our goal should be to try and have the draft report ready by the end of next call so we can get it out, start the comment period, posting both public and constituency standards.

You know, get it in front of ICANN legal so that they will have, you know, that full period as well in order to provide their input and of course, just looking at the calendar; what with the holidays and what not, it's necessarily going to mean that you know the comment period is going to carry us into realistically about the third week of January. And again, the group will you know decide do we add a little time because of Christmas - New Years, you know, knowing so many people are away. Or do we want to just stick to the original calendar.

In any event, you know, the hope I guess - I'm not being very clear but you know my goal right now is that I think we've reached a point where we can start committing ourselves to firming up the text in our draft report. I'd like to move forward on that in the remainder of this call and next week. Certainly we'll continue to use the list to suggest text, to make points, raise concerns, et cetera but you know, I think that's a realistic goal on our part. It should be our goal to you know try and get this thing out some time after - shortly after next week's call.

You know, get the process moving and of course, remember this is our draft report. Our initial report so there will be opportunities for us to continue the discussions in more detail and we'll certainly be looking forward to looking for the inputs from the various constituencies and public comments of course that would guide our work - our thinking as

we move in January towards crafting the final report that we'll submit to counsel.

So is everybody reasonably comfortable with that. Does anybody want to raise any issues, bring up any points?

Michael Collins: I have a general question Paul. This is Michael Collins. Getting back to issue one - during the discussion there was a lot of ideas that we had you know very thoroughly labeled on the draft document, but it doesn't really put into preference which of these many solutions the group prefers. Are we going to do that or are we going to wait until after some time period before doing that because we really haven't named any solutions for this or a policy and there are a lot of possible policies.

Paul Diaz: Let's do this. I know what my preference is so I'm going to bite my tongue for the moment. I'll kind of put this back out to the group. Since we are working on our initial report, as a group do we prefer to try and seek our own internal consensus and make that explicit in our report.

Do you feel that it's better to lay out the options that we've discussed giving everybody in the forthcoming comment period you know the full opportunity to make their own views and not necessarily have to agree or disagree with a group consensus? They can weigh in as they see fit.

(Mikey): This is (Mikey). I tend to prefer to lay out the options and arrive at consensus after input. But as I think about it, I think then what we ought to be is consistent because basically what we've done in this last one is we've stated our preference whereas in the first one, we have not.

But I think we have to put it one way or the other and then make it - if we decide that we're going to wait until after input, we might want to make it clearer that we are indeed waiting for that input before we make our choice so that people who read the report don't have the same reaction that (Mike) just did - which is - huh, they don't seem to be choosing here.

We might want to say at the bottom that we didn't choose on purpose because we want to hear from you. And if that's the approach, then we might want to do the same thing with number three, even though we're edging pretty close to consensus on that.

Paul Diaz: Okay. Thanks a lot. Other views please.

Marc Trachtenberg: This is Marc and I think we should at least give a tentative that we have.

Paul Diaz: On one and two do more like what we're doing in three.

Marc Trachtenberg: Exactly, just say you know - this is our tentative position pending, you know, additional comments and input from the community. At least - I mean we do have tentative conclusions so at least you know that way people can respond accordingly and you know people disagree with our conclusions then we can take that into consideration before coming out with a final document.

Mike Collins: I agree with (Mark). I think it would help to make the time more effective to us.

(Mikey): (Mikey).

Paul Diaz: Okay, (Mikey).

(Mikey): I'm not sure that we've actually had the debates that we need to have to back those tentative conclusions up. At least I've been sort of drifting along assuming that this was going to - the debate on tentative conclusions was going to happen after the initial comment period and I guess my worry is that either we're going to go too fast, or it's going to take a really long time and our schedule's going to slip. So I'm inclined not to put them in right now.

Paul Diaz: Okay. Other view - I don't want to call on anybody and put them on the spot but anybody else wants to weigh in on this?

Kevin Erdman: This is Kevin Erdman. My thought would be where we have more of an emerging consensus that we do admit up to that but I think on several of the issues we're a lot farther away from consensus and I think the document can easily reflect that. So I don't think that we need to set in stone that we have a preliminary consensus on any of them nor do we need to avoid mentioning the direction that the group's heading in those circumstances where we do have a pretty clear direction.

Paul Diaz: Okay.

(Mikey): I'm okay with that.

Paul Diaz: Okay. Other thoughts? Okay, well then for what it's worth, I'll weigh in. I come down in the same position as (Kevin) and now (Mikey). I think when we have the opportunity to give the reader the sense of where

the group stands, we are the “subject experts” now - we’ve been looking at this for many, many weeks.

You know we do everybody a service by saying this is where the group is going and make all of the important caveats that are being mentioned in terms of - you know, we’re still open to all input. We actively are seeking those inputs and you know, this is again an initial report designed to you know hit a discussion.

We’re looking for or we’ll refine their views in the final report based on what the community - how the community responds in the coming weeks.

I’m just looking at the meeting view and a number of you have either gone mute or dropped. I’m hoping it’s not dropped but for those - if you all hear me, as (unintelligible) you know repeating what (Kevin) and (Mikey) have offered, does that seem like a reasonable way forward.

Man: Yep.

Man: Yes.

Paul Diaz: Very good. All right, with that in mind then and again I think this - I’m not sure how to do this right now. In some ways I think it may be easier to try and make some of the text additions or changes that we need either on the list or you know working with staff - propose something. Get it out to the list and then debate from there.

Marika Konings: Hello, this is Marika . I think a few of us just got kicked off the call.

Paul Diaz: Thank you Marika . I was just asking because I saw on the meeting thing that yeah - I saw a couple of disconnects.

Marika Konings: Could you just maybe repeat what you said in the last minute.

Michael Collins: I'm back in.

Paul Diaz: Okay Michael. Essentially I was - my view is that I think (Kevin) and Michael Collins have it right. But I think we do our readers and the community at large a service in trying to articulate you know where the group sort of sees things headed at this point.

Of course we make it very clear that this is the initial report, we're soliciting input, feedback, et cetera and that the final report that the group puts together will reflect all of those views - all of those inputs. But I think we do everybody a service by trying to give them a sense of where we - the "experts" who've been dealing with this now for many weeks, where we come down from at this point in time.

If we don't have you know real consensus, then we say there's some support for this view and some support for whatever the other position is. That's fine. But let's try to articulate that.

With that said, then the suggestion was - or you know what my thinking is - it's very hard, it's almost impossible to start constructing the additional text that we're going to need verbally on the phone. We don't have - we've had another working group sort - a special whiteboard off to the side that we can in real time make changes.

So you know my thinking is that the best way forward might be to you know start proposing the additional text on our list or perhaps Marika , you and I can take a whack at some preliminary text much as you have in the report you just pushed out. Get it to the list and then you know ask people to comment in the interim; between now and next call so that we can sort of filter it line by line. Again, we'd be editing something rather than trying to create something on the call.

Does that seem reasonable to folks or do people have another idea of how we might best move forward?

(Mikey): This is (Mikey).

Paul Diaz: Okay (Mikey).

(Mikey): The way you summarized it confused me a little bit so I'd just want to clarify. When I heard (Kevin) speak - what I heard was - was that where we have consensus on section three - go ahead and describe it. Where we don't, don't describe it.

What I heard you say is, let's try to get the consensus before we go out with the initial report and let's just take a whack at it. Can you clarify that?

Paul Diaz: Sure. I'm sorry then if I've misinterpreted it. My view is that I think where we can - in those places where we can say here's where the group stands; even if there's several different positions. Make that very clear. And again in the third issue that's probably the easiest. You know we've discussed it a bit and it seems to be a pretty broad consensus.

For issues one and two, I have to go back and look at it. And again, if we put you know - first cut text in front of everybody to say, do you believe this text reflects the views of the group. If it does, great; if it doesn't, let's start editing that, et cetera.

But I think I would - the group would do the larger community a better service in trying to articulate where the group comes down on these issues now whereas in leaving it in sort of like an open-ended question for anybody to weigh in during the comment period.

(Mikey): All right. I guess the only concern I've got is that we haven't really had much discussion about that and so we're either going to rush through it in a week or it's going to take us quite a bit longer than I think you're projecting. You know, I think what we've been discussing in one and two is more describing alternatives but we haven't been debating the merits of those a lot.

Paul Diaz: Okay. Do others agree - I mean agree with (Mikey) that you know, we've kind of laid out a lot of facts but we haven't really pulled it together and we need to spend more time trying to come up with our conclusions or whatever the positions may be on issues one and two.

Marc Trachtenberg: This is Marc and I agree that we certainly haven't come as close to a consensus or conclusion on one and two - we have three. I agree with you that I think it would best serve the community if we could have some kind of tentative position to at least put forward to narrow and focus the community comments.

Or maybe we want to take some time over the next you know week or two to see if we can come up at least with some rough consensus or conclusion on one and two. If we can't then you know, I guess maybe just move forward you know without a conclusion.

Paul Diaz: Okay. Again.

Michael Collins: (Unintelligible). I'm sorry. I didn't mean to interrupt you Paul.

Paul Diaz: Go ahead (Michael).

Michael Collins: This is Michael Collins. I agree with (Mikey) that we have not - I don't think that we have (unintelligible) for these ideas but I don't think we've tested how easy we might come to consensus. It might be easier than it was on issue three possibly.

Paul Diaz: Yeah, that's my.

Michael Collins: At least maybe - you know, if not come to consensus on which is the right solution maybe we could at least come to a consensus on which ones not working and kind of come to some consensus about the favorite; at least on issue one. You know maybe eight or nine potential solutions.

(Mikey): This is (Mikey). I think that's right. I think we might be able to get through these really quick but I just didn't want to have them sort of go by without discuss because, at least for me, I just haven't been thinking that we had had that discussion yet. So what we might want to do is kind of prepare ourselves for a discussion about them next week and

just see if we could get through that. In one call we might very well be able to if we did some preparatory work on the list.

Paul Diaz: Okay. The concern I have is that, again there's many of us as part of the working group will have that many views and I'm really concerned - you know, we don't necessarily want to rush this. We definitely don't want to rush this. We were never given a particular deadline. We verbally committed to trying to get this - the public comment started after Cairo and obviously that's slipped. You know it's going to slip by a good month.

With that in mind, can I ask the group this? How about, you know, looking at issue number one. Is there something that we could all agree to? A high level characterization - to make an accurate point; we've presented a lot of different particular sub-issues that we've looked at. They're all related to issue number one.

Is there a general feeling and I'm flipping ahead now and looking at like the initial statements that we've received - constituency statements. You know, if - let me ask this. If I work with Marika and we go back - just for discussion purposes - if we draw upon the constituency statements and try and craft overarching positions just to get a discussion talking, will everybody really make the effort to start having the dialogue on the list?

We'll push this out as quickly as possible just so that we can truly hit the ground running next week. The strong turn on my part is that you know we kind of float until next week, have discussions but there's still going to be more and suddenly you know, we're moving well into December and we're not ready to get the report out.

Is it okay with the group to, you know, to let staff and I just take a first high level cut at positions based on the constituency statements and obviously things that we've heard on the call. Put it out to everybody and then we can you know start tweaking on the list and really hit the ground running next Tuesday. Does that seem like a decent plan?

Marc Trachtenberg: This is (Mark). That works for me.

Paul Diaz: Okay.

Man: Yeah, I think that's a good plan.

Man: All right.

(Mikey): (Mikey), here too.

Man: Yeah.

Man: Great.

Paul Diaz: I'm not looking forward to the extra work but I just think that it's important that everybody has text in front of them and obviously there will be no pride of authorship; it's just to get the ball really rolling so we can hopefully get our report together in short order.

Can I ask this? If folks have been poking through the report as I have, are there any other things in the draft as it existed - the most current one that Marika is sending over - anything that stands out. Its like - whoops, we forgot something? Obviously, we need to you know craft

the language I've just been discussing but anything else that just seems like, wow - we've got to get that in there before this thing is published?

Marika Konings: This is Marika . Just to point everyone as well to the fact that there's some revisions in there as well highlight in track changes that were made on the mailing list like some time ago when the draft came out for the first time. So those are some issues that we'll need to discuss as well and it might be good if people can have a look at those sections; especially there where there are different options proposed. I think a few sentences where different people proposed different things. So I guess those will need to be discussed in more detail as well. But it's just more wording issues.

Paul Diaz: Yeah. Okay. And clearly our executive summary - if we, once we come to agreement on the positions as they relate to those three issues. You know, we'll probably want to move that stuff up also into the executive summary so that should somebody only read that, we've put all of the most important information forward.

But beyond that, okay - so beyond the coming to a you know rough consensus or (unintelligible) positions, whatever it's going to be, besides that, is there anything else that folks see that - just like are missing from the report right now. And oh yeah, we've got to add that in. Okay.

Keep that in the back of your mind please as we - and in the coming weeks certainly look to the list for the first cut text that Marika and I will put together. But also look at the draft; the one that we have in front of us right now and you know, just do another quick review if you will. Try

and look at it with fresh eyes and just making sure that we haven't overlooked anything or presenting things in such a confusing way that you know, we'll be creating problems for the readers down the road. Okay.

You know, if it's okay with everybody I'm sure - everybody's happy to sign off a little early today. It would help me if we could wrap it up and I think this is a good break point. Certainly Marika and I have a lot of homework and look to the list because we will get that draft text out to you as quickly as possible; certainly in the next - I'd say by close of business Thursday at the latest; hopefully sooner. I just don't want to over commit.

But with that, are there any other issues folks need to raise? Does everybody at this point in time at least expect to be available for the call next week? That we'll have pretty much the full group to go through all this? Okay. Obviously, if you know schedules change and what not, please inform Glen, Marika or myself just so we know and with that then, I appreciate everybody's time today.

Look to the list for the draft text and please take another look at the draft report as it exists and, you know, we can continue our discussions on-line and we look forward to next Tuesday.

Michael Collins: Thank you Paul.

Paul Diaz: Okay. Thanks to everyone.

Man: Very good.

Kevin Erdman: Thanks Paul.

Paul Diaz: Marika , if I can, can I call you in about five minutes?

Marika Konings: I actually have another call scheduled at 5.

Paul Diaz: Okay.

Marika Konings: So maybe I can give you a call after that or?

Paul Diaz: I can convey it in email. That's no problem.

Marika Konings: Perfect.

Paul Diaz: Just initial thoughts and then obviously you and I will be working on it.

Marika Konings: Okay, fine.

Paul Diaz: But I don't think it's going to be too hard actually.

Marika Konings: Okay, great.

Paul Diaz: Very good. Talk to you then. Bye-bye.

END