

**Inter-Registrar Transfer Policy Part B PDP
Transcription
Tuesday 19 January 2010 at 15:00 UTC**

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<http://audio.icann.org/gnso/gnso-irtp-b-20100119.mp3>

On page:
<http://gnso.icann.org/calendar/#jan>
(transcripts and recordings are found on the calendar page)

Participants on the Call:

Michele Neylon – RrSG – chair
Chris Chaplow - CBUC
Berry Cobb – CBUC
Anil George – IPC
Kevin Erdman – IPC
Mikey O'Connor - CBUC
James Bladel – RrSG
Michael Collins – Individual
Paul Diaz – RrSG
Baudoin Schombe – At-Large
Barbara Steele – RySG
Matt Serlin – RrSG

Staff:

Marika Konings
David Giza
Gisella Gruber-White

Apologies:

none

Coordinator: This call is now being recorded.

Gisella Gruber-White: Good morning, good afternoon to everyone on today's IRTP call Tuesday the 19th of January. We have Baudoin Schombe. He has - he's just coming back online, Mikey O'Connor, James Bladel, Michele Neylon, Berry Cobb, Kevin Erdman, Paul Diaz, Barbara Steele, Michael Collins, Matt Serlin.

From staff we have Marika Konings, David Giza and myself Gisella Gruber-White.

Anil George may join the late - the call late. And if he's not able to attend then he does sends his apologies. And if I could also just remind everyone to state their name when speaking. Thank you. Over to you Michele.

Michele Neylon: All right. Thank you.

I believe that some of the ICANN staff may drop off early as well because they're really not - officially not here today.

Gisella Gruber-White: And apologies, Anil George is on the call.

Michele Neylon: Okay.

Gisella Gruber-White: Thank you.

Michele Neylon: They're on a staff retreat. As I'm Irish that makes me think of nuns. But she'll have to have to excuse me for that.

Anyway the - Mikey put together a little document which we proposed - we were proposing to sign individually as opposed to signing as a group to assist David in his efforts to get extra funds to be able to do useful things.

Did you all get that email to start with with the attachment or maybe it'd be easier to say is there anybody on this call who didn't get the email?

Deafening silence, you all got it. Has - is there anybody on this call who hasn't had a chance to have a quick look at the document?

Anil George: I got the email but there was no attachment.

Michele Neylon: Oh okay. Who's that speaking, sorry?

Anil George: Anil George.

Michele Neylon: Okay. You didn't get the attachment, right? Okay give me one second and I'll - did every - did anybody else have problems with the attachment?

Marika Konings: This is Marika. That document is also up on Adobe Connect.

Michele Neylon: Okay perfect. Well that solves that problem then. And if you - it's actually up on the Adobe Connect. So if you want to have a quick look through it there.

Does anybody have any questions or any other feedback whilst Anil tries to catch up or read quickly or whatever?

Does anybody have any other feedback or questions about the document that Mikey put together? Mikey would you like to walk us through this?

Mikey O'Connor: Sure. This is Mikey. I will probably change the destination of the memo from ICANN budget overload to something more appropriate. But I was inspired when I wrote it.

Michele Neylon: Paul Diaz has a question for you.

Mikey O'Connor: Oh hi Paul. Go ahead.

Paul Diaz: Hey Mikey and thanks. A general question and it's probably actually directed more at staff. But Mikey while I like what you've written here, do we have a sense from staff what kind of budget request ICANN compliance is looking for?

Before I can sign on to anything, I already have very, very strong misgivings about the growth of ICANN's budget overall.

Well I can support in theory the idea of providing adequate resources to more effectively do their job I'd really like to know what they're asking for before agreeing to this memo supporting growth in compliance's budget.

If we can get that, for me that's a deal breaker. Without knowing what they're going to put in for, I have a hard time just carte blanche saying yes we support you guys.

Because if they're asking to treble their budget for example, I would have a hard time with that. I need to know the details.

So if somebody's not from staff that's - is not able to answer today, if we could leave that as a takeaway and come back with an answer to the list as soon as possible. Thank you.

Mikey O'Connor: This is Mikey. I should have forwarded a memo that David forwarded to me. But David maybe what we could do is before we do that, could you add on a dollar amount that you're asking for, because that would make the whole package complete?

David Giza: Sure, sure. This is Dave Giza from contractual compliance at ICANN. And what I sent to Mikey was a shortlist of six bullet points identifying proposed IT system enhancements to the ICANN complaint intake system.

And let me just go through those six bullet points quickly. And then I can tell you that the request here is not a request to add staff to ICANN.

This is actually a budget request looking for resources in the form of either system or programming resources or perhaps resources from a consultant to

essentially help the compliance team enhance the ICANN consumer complaint intake system.

So one of the first things we'd like to do is revise the complaint form. We've received a lot of feedback from end users that we need more complaint categories.

Believe it or not I think that's a simple programming task. But it has to be budgeted for. And we have to get the resources approved inside of ICANN to do that.

We clearly need to create a much better reporting system interface with the complaint system.

As many of you have learned, all of our reporting work right now is essentially manual using Excel spreadsheets and a lot of labor intensive time from staff to collect data, to analyze the data and then to put it into a report format.

And so what we'd like to do is make an enhancement or modification to the system so that we can run some very specific reports based on the feedback we've received not only from this working group but from others in the ICANN community.

That would really entail then a broader upgrade, a system upgrade to our complaint management software. And that would involve some auto response capabilities that we really don't have right now for just general good customer service.

And I think that again, you know, that would require additional programming resources.

And then we would like to also include some automatic follow-up notices that we could send to complainants after the stated seven day period in which we

forward the complaint to a registrar and then generally ask a registrar to respond.

We would also like to increase our capability to monitor the activity that a registrar is performing through an automated system of different checks and balances that would require us to track the resolution of a complaint by staying closely connected to the registrar electronically.

And then finally we've received some feedback that we might want to include additional data fields in the WHOIS contact data portion of our complaint tool. And again that would require some additional programming resources.

So in a nutshell we're looking for support from our executive management team to deploy either internal resources from our IT staff or to provide outside consulting support or maybe a combination of the two in order to address these proposed system enhancements in fiscal year 2011.

Michele Neylon: James? James Bladel has his hand up.

Mikey do you want us to go back to David or does anybody else want to go back to David before I let James in?

Mikey O'Connor: This is Mikey. I'd just like to follow-up. David do you have a number, a dollar amount that you're planning to ask for?

David Giza: Yes. Right now Mikey I think we're looking at somewhere between, you know, \$50,000 I think on the low side.

And again depending on the nature of the expenses whether its ICANN staff or a consultant, you know, potentially, you know, \$100,000 on the high side, so somewhere in that range right now.

And what we need to do is actually sit down with one of our ICANN IT business analysts. And then she would assist us in scoping out the individual cost for these six categories of proposed system enhancements.

But in my early discussions with her, you know, we're looking at somewhere between \$50,000 to \$100,000.

Mikey O'Connor: Paul, does that help with your question?

Paul Diaz: Yes. I was just going to ask a follow-up. It really does, thank you David. The only follow-up question is would - your - the dollar amount you just said honestly is almost a rounding error in ICANN's current budget.

And since we're heading into the budget season, you know, it would help the rest of the community, in particular registrars who have to vote on the budget if that could be broken out.

In other words, you know, program enhancements like that when it's not a headcount often get rolled up into just a big blob of a number.

And it would help the community tremendously and go towards ICANN's goal of greater transparency if, you know, staff would break out in their budget requests okay, we are looking for X number of dollars for sorts of process improvements, technical process improvements, 50,000 to 100,000 which is going specifically towards compliance.

And, you know, it would help to understand sometimes in more detail what the money is being spent on, not just the broad infrastructure enhancements.

And in particular I think a lot of people support giving compliance the tools they need. And when the dollar amounts are what you're describing, that's not going to break a deal for anybody. In fact people probably say that's all.

So it might help both your cause and the rest of us as we're looking at the budget.

We're entering into the budget approvals season anyway if we could get the sort of visibility that you just provided us in this group somehow baked into the budget proposal plan.

David Giza: Yes Paul that's great feedback. In fact Kevin Wilson our CFO is using a different budget template this year where you'll notice we'll be providing, you know, much more detail on personal related expenditures, professional service expenditures which include consulting expenses, administrative expenses as well. And we'll also be providing greater detail around travel and entertainment.

So you'll see all of that in the new budget tools that we're using and in particular in my budget you'll see a specific line item for, you know, for these proposed complaint intake system enhancements.

And I'll put as much detail in there as possible to, you know, to help people understand exactly, you know, what we want to do, why we want to do it, and how much money and time it's going to take to complete those tasks.

Michele Neylon: James?

James Bladel: Hi. Thanks Michele. This is James speaking. And thanks David for your explanation. Thank you Mike for putting that together.

And I wanted to state that for the most part I'm supporting and echoing a lot of what Paul has raised.

And I think that the amounts we're talking about are probably not going to be noticeably significant in terms of the overall ICANN budget.

But there is this general I think reflective concerned on the part of registrars whenever we talk about expanding ICANN's resources and particularly in compliance.

One thing that perhaps could be added to this document or perhaps into the overall budget is that, you know, investments in compliance can help the good guy registrars preserve the investment that we've made in our transfer process, our training services, our staff, our, you know, anti-abuse things and all the things that we are doing to, you know, to make the domain names playground a safer place to do business.

And I think that, you know, we can - we certainly would support compliance helping us to identify and really in a timely manner take action on those in our own community that aren't playing with - playing well with the other kids.

So I just wanted to say that perhaps inclusion of something of that language to that effect might help overcome any sort of resistance that you might anticipate from registries and registrars whenever you talk about expanding compliance resources.

Mikey O'Connor: James this is Mikey. Do you want me to put that in this memo or do want us to be in David's memo or both?

James Bladel: That's a good question Mikey. I'm not sure if it is overkill to have it in both. I think it might carry a little bit more weight coming from David.

But I think of that, you know, we should probably get that included there. And I can help you with maybe it just boils down to one sentence. And I can help you craft that into this memo if you need someone to volunteer for that.

Mikey O'Connor: That'd be great. You know, I'm just going to listen to the MP3. So I think I can probably pick off a first draft from that. And maybe I'll run it under your nose. And then we'll...

James Bladel: Yes.

Mikey O'Connor: ...flip a coin as to which memo to put it in, David's or this one.

Man: James...

Mikey O'Connor: But, you know, whether we're talking in terms of, you know, this group or the previous group transfer groups or the, you know, registration abuse or any of the different ICANN groups there, we always seem to come to back to this conversation of there are registrars out there who are on the margins who are not playing ball.

And I think that that's kind of not only a slap in the face to the communities and the registrars who participate in ICANN and are complaint with the policies, but also the very large volume of registrars like ourselves and like some of the others on this call that have really made significant dollar and personnel investments into ensuring compliance.

And I think that compliance, ICANN compliance can help us get the most out of that investment.

David Giza: James this is Dave. Let me just add a footnote to that. Some of you may be aware of the fact that, you know, as ICANN starts its budget season this month, ICANN's goal is to present a relatively flat no growth budget for fiscal year 2011.

And so with that goal and objective in mind in the contractual compliance area, you know, my goal is also to keep our budget, you know, at or near the prior year run rate and budget of approximately \$2 million.

So when you look at, you know, at the fact that we have six people in contractual compliance, we work globally, we deploy, you know, multiple

systems to help us accomplish our work plus the professional services training and other support that we do, you'll see this year that that number is going to stay essentially flat.

And I think that'll be good news, you know, to the community. Because we're - but we're not looking to grow the compliance budget this year. We're simply looking to utilize the budgeted money more efficiently this year than we have in the past.

Michele Neylon: James have you - okay, I have the queue. I put myself in the queue just I wanted to echo quite a bit of what James was saying and in particular in relation to non-compliant registrars.

I mean we obviously are nowhere near the size of Network Solutions or GoDaddy obviously.

But from our perspective one of the reasons we went to the - we became an ICANN accredited registrar was so that we could actually deal with stuff. And we've invested in that.

And sure the figures and everything else are significantly different. But, you know, if ICANN compliance isn't forcing our peers to comply, then there's not much point in any of us agreeing to anything or we can disagree to everything and not bother actually enforcing anything.

In terms of the dollar amount that David has mentioned, I - the main thing from my perspective is making sure that it's not a case of let's have lots of consultants and talk around it for hours and days.

Let - but it'd be much - it makes more sense to me just to actually get it done. I mean some of the changes in terms of software and everything else shouldn't cost an arm and a leg and shouldn't require months of conversations.

And just in terms of your budget thing David, several of the registrars that you have called over the last 12 months were called on the basis of their nonpayment of fees.

I mean I was just actually looking at it. If you were to take two or three of the non-compliant registrars and you were actually able to get that money back, that would more than cover the money that you've mentioned you need to fix your complaint system.

David Giza: I saw the spreadsheet that you sent along in that regard. And I can tell you that one of the things that we're aggressively working on here in the second half of this fiscal year is exactly that issue.

We have a plan that we've put together and have already deployed to collect delinquent fees from those registrars who, you know, are either late pay, slow pay, or no pay at all.

And so we've actually stepped up that process. And, you know, Stacy Burnette or I or maybe both of us depending on who goes to Nairobi will be providing an update on our efforts in that area.

Michele Neylon: Okay. Just so for those other people on the call who don't know what the hell we're talking about, a couple of people put together a basic spreadsheet which was a breakdown based on the information in the public arena regarding compliance actions taken against various registrars over the last 12 to 24 months.

And it was just a basic analysis of the reasons why they received, why they were on - why they were in receipt of a compliance notification.

And in the case of the fees being mentioned as being owed and that was collated. I didn't actually prepare the spreadsheet because I was going to, but

somebody else beat me to it, just so the people know what the hell I'm talking about.

(Chris) and then Mikey?

(Chris): Yes looking at the spreadsheet from the other spreadsheet from last week, there's one question I had on the tip of the tongue. And it might - it's not quite relevant but I'll just ask it anyway.

I was surprised to see the number of registrars with very small number of domains under their control. There was, you know, tens or even just a few hundreds. Is that normal or is that a special type of registrar can I ask?

Michele Neylon: Well as a registrar I'd answer saying that we only had 20 domains in our accreditation for about six months.

(Chris): Right so...

Michele Neylon: We're not that odd. I let my colleagues or David and or staff answer you, if anybody else has anything else to add?

David Giza: The - this is Dave again. The five month analysis that we did it we believe is a reasonable representation of the registrar community in terms of the let's say depth and breadth and variety of the number of domain names that are currently under management by the different registers in that stakeholder group.

So I'd say the numbers just speak for themselves. And, you know, and we believe that they're accurate.

(Chris): Okay. Thank you.

James Bladel: And this is James just to address (Chris)'s question. I mean there may be a lot of different reasons or models for becoming a - an accredited registrar.

What you're seeing there may be registrars who are just starting out or they could be portfolio holders that have some very valuable or corporate names that they prefer to manage directly rather than going through a third party. So there's a lot of different reasons why you would see such a small registrar.

Michele Neylon: (Chris)?

(Chris): Yes, no thank you. That's great.

Michele Neylon: Okay. And also (Chris), I just gave you a link there in the chat. If you have a look at the link I set posted to registrarstats.com.

If you go to the Market share section and then from the drop-down choose All you'll see there's about 900-odd registrars.

And I think the lowest number is probably sub 50 and then the highest it goes all the way through into the thousands and then beyond.

(Chris): All right, (cool).

Michele Neylon: Mikey?

(Chris): Great. Yes working. Thanks.

Mikey O'Connor: Thanks Michele. This is Mikey. Just to sort of maybe wrap this discussion up I have several observations.

One David, we the folks who sign this, one of the things I stuck in here is an offer help with this project that you're proposing.

And the reason that I did that is because of the nature of this last 20 minutes of conversation. I think what you're hearing is stakeholders who are really interested in what you're doing and want to help you do it as best you possibly can, certainly supporting your tools, supporting improving the effectiveness of your organization, supporting what you do for all kinds of good reasons.

And so one of the things that I'd encourage you to think about is that when you emerge from the budget hopefully with resources in your - in hand, that you form a little stakeholder group to advise that project team.

Because a lot of us have a boat load of experience doing these kinds of projects. We know a lot about the systems that are out there.

And I think we could probably make your project quicker, easier, cheaper, better, in every way. So just to sort of wrap that up and, you know, thanks to all for the conversation.

Let me get another draft out for maybe next week that will incorporate James's comment, so kind of a minor change.

And maybe over the course of this week the rest of us can run off to our respective overlords and see if it would be all right if folks signed on.

I put a lot of language in there kind of isolating us as individuals. We did this in IRTPA when it came around to the notion of a thick versus thin registrar or registry WHOIS and thought that that might be a reasonable model.

But if folks run into trouble and need help I'd be happy to talk to an overlord and try and calm the waters. That's it.

Michele Neylon: Okay thank you. Thank you Mikey. Just one thing on the entire compliance thing just as a thought. And I don't know how the other registrars feel about this. Just it's just a thought.

The - a lot of the stuff from compliance seems to be negative. I mean the reports from compliance seem to be negative. Just a thought for you David, maybe something positive from time to time?

David Giza: Actually Michele we're developing a new performance metric literally as we speak to do exactly that.

And what you'll see after Nairobi is a new metric that identifies the number of registrars that respond affirmatively and take corrective action after receipt of the - of a first compliance notice from ICANN.

So to that very point we've thought about that. And we think there's a story to tell here, a very powerful story that shows that, you know, anywhere between 50% to 70%. We don't know the numbers, you know, nailed down just yet.

But it's a relatively high number of registrars who respond affirmatively, take corrective action, and resolve either consumer complaints or WDPRS related complaints, you know, after receiving that first compliance notice from ICANN.

Michele Neylon: Okay. I think I'd like to know what the others think but I think that would be helpful. Because I'm just - I can't honestly remember the last time I saw ICANN make an announcement in relation to anything involving compliance that would - and registrars that was kind of positive I mean unless somebody else remembers something. Anybody? No?

Paul Diaz: Michele, it's Paul.

Michele Neylon: Yes?

Paul Diaz: Yes, it's Paul. Just to give compliance a break here, it's easy to start piling on. But, you know, in some degree we see this as sort of nature of the - of their other work that, you know, people typically only go to compliance when they have something bad to report, you know, complaints, confusion et cetera. And the reporting, the metrics that are collected and analyzed et cetera, you know, all flows from that.

It's the very rare case typically following in these kind of working groups where somebody can say hey wait a minute. I had a good experience. I wanted to highlight it.

And perhaps moving forward if compliance working with other colleagues in ICANN's staff, you know, sometimes instead of policy work we talk about identification of best practices.

Compliance can certainly contribute to that sad effort in highlighting when they are aware of registrars that are doing what is expected of them and sometimes even have a very clever way of handling sticky problems and what not that they might get highlighted.

And there's an opportunity there I'm sure for compliance to share some good news stories for change based on the experiences they have work at registrars day in day out.

David Giza: Yes Paul this is Dave again. That's a great observation. In fact one of the things I'd like to do next fiscal year is begin implementing a system that I used at Hewlett-Packard to identify, you know, best in class, you know, registrars who like many other suppliers or vendors in the commercial world, you know, have systems, people, processes that set them apart from the rest of the, of let's say the registrar community.

And those registrars, you know, should be recognized for, you know, for the things that they do right, you know, in there, in running their business as well as in addressing, you know, contractual compliance issues.

So we're looking at a way to actually begin, you know, implementing something next fiscal year in that area to tell that story.

Michele Neylon: Mikey?

Mikey O'Connor: This is Mikey. I want to add on to both of those comments from another working group. A lot of you are on the Registration Abuse Policy Working Group.

And we've been talking about three or four what we're calling tentatively meta issues which are issues that are complicated to resolve in the narrow strait jacket of the PDP process.

And David just as a heads up for you, I don't know if you're following the RAP working group's discussion. But keep an eye on discussion about best practices and the dissemination of those. Rod, Rod...

David Giza: Rasmussen?

Mikey O'Connor: ...Rasmussen has been championing that. Thank you David. And there's probably good fodder for your justification of that in that meta issue. So just keep an eye out for that one.

David Giza: Thank you Mikey.

Michele Neylon: Okay any other comments on this or should we move on? Okay I think we can move on.

Mikey would you be able to get - come back to us with some kind of draft?
And I believe James might be able to help you with that.

Mikey O'Connor: Yes. I'll get something out before the next meeting.

Michele Neylon: Perfect. Okay then the IRTC complaints analysis, I know I kind of did this out of sequence but hey, I'm Irish and I do things backwards.

And the IRTC compliance complaint analysis, does anybody have any other follow-up thoughts on this?

I mean the discussion we were having about the lesser is kind of related which is why I was dealing with it first.

Any other comments from anybody including David? No?

Okay. All right, the public comments is the next item on there that we were looking at the public comment period and the analysis grid. So who was - where were we at with this?

Marika Konings: This is Marika. We're at Page 4, the last comment there in Category D.

Michele Neylon: Okay, which was?

Marika Konings: It's a comment that was both made by WIPO and also by another person providing public comments stating that the inclusion of provision strengthening the domain name subject to UDRP proceedings must be locked as well as additional guidance on how to use the lock status in the case of UDRP proceedings.

And the person PI even proposed specific language to that end.

Michele Neylon: Okay. Any comments from anybody? Any observations? No? Okay, Michael Collins?

Michael Collins: Is that really necessary in the IRPP language or isn't that already handled in the, by UDRP? I'm not sure...

Michele Neylon: Which, which...

Michael Collins: ...what could be done about compliances.

The requirements about locking it, et cetera?

Marika Konings: This is Marika. I mean it's related specifically to a provision in the IRTP. And it's something we've discussed before as well where it actually says the registrar of record may be obligated to keep domain name locked in the case of court proceedings.

And where the suggestion is made here that that should be must instead of may, you know, leaving too much room or no clear guidance on what should be done so those specific provisions in the IRTP in relation to UDRP cases.

Michael Collins: Thank you Marika.

Michele Neylon: Thank you. Mikey?

Mikey O'Connor: This is Mikey. Marika, can you summarize sort of the language that they were proposing? This was one that the summary didn't quite do it for me.

I couldn't quite figure out whether this was a good idea or not for a lot of the same reasons that Michael was describing a minute ago.

Do we have the language handy? Is that something we could throw up on the screen really quickly or maybe pick this up on the list?

Marika Konings: I can post the comment that was made so you can see what is suggested if you give me just two seconds.

Mikey O'Connor: I kind of understand the rationale but little edgy about urging UDRP and IRTP. Thank you.

Michele Neylon: But isn't there already a provision within the IRTP for UDRP? In other words there's a couple of bits of language within the document or am I misremembering things as usual?

Marika Konings: I think you are correct.

Michele Neylon: Sorry I've spent so much time. I think I've read this thing so many times recently. There was only just one thing about UDRP that I can find there.

(Chris): (Chris) here. Is that in three, obligation of the registrar of record of the IOTC? It's the May. Are they just talking about the May clause when it's really a must isn't it from the other side from the UDRP?

Marika Konings: I think that's indeed the point they're making. I'm trying to look back as well at the comment that was submitted by WIPO to see exactly what they said about this.

Because basically WIPO says basically the same thing that under Section 3 Obligation of the Registrar of Record, it's now formulated in a manner that seems to permit instead of require a Registrar of Record to deny your request for an intervention or transfer by the gaining registrar.

So they basically say while such discretion may be appropriate in certain circumstances outside of the UDRP context and cases for our domain name is subject to a UDRP preceding, a registrar of record should be obligated to

deny a transfer request and void or cancel such a request if the request to consent was given inadvertently.

Michele Neylon: So they want to make the language more forceful basically?

Marika Konings: Yes. They want to say instead of may, must. And I think we've if I remember correctly, I think in some of the other comments relating to some of the other issues that was suggested as well that it should be clearer whether it's indeed a may. And the register has the option to do it or not.

It should maybe be in some cases be a must so it's - the expectation is clear of what will happen.

Michele Neylon: Okay. Does anybody - sorry just one second Mikey. Is there anybody from the IP constituency on this call?

Kevin Erdman: Yes. This is Kevin Erdman. I'm on the IP constituency.

Michele Neylon: I mean this as okay, I know that you're not WIPO. But as this is semi IP related...

Kevin Erdman: Yes?

Michele Neylon: ...what are your thoughts on this?

Kevin Erdman: Well I think that it depends. My concern about making that change doesn't have to do with court proceedings or arbitration proceedings because I think it's pretty clear that obligations that the registrar of record must keep the domain name lock.

What I'm wondering is ICANN dispute resolution policy administrative proceedings, if there are other proceedings besides the UDRP that might be applicable that have different rules.

I'm just not aware of those because they don't - because that doesn't specifically say the uniformed dispute resolution policy.

I'm wondering if there - is there a different dispute resolution policy that that could alternatively be referring to?

Michele Neylon: Okay.

Kevin Erdman: Okay because if not, if the only thing that that last part is referring to is the UDRP, I think the change ought to be - must ought to be made from may to must.

Michele Neylon: Okay. Mikey and then Anil George.

Mikey O'Connor: Yes this is Mikey. I think this is a pretty substantive topic for us to converse about. I may have to run back to the constituency on this one. Though I'm...

Michele Neylon: Okay. Would you like to follow this up on the mailing list Mikey?

Mikey O'Connor: Yes. I don't know exactly how to go forward. But I don't want to just breeze through this one without having some conversation.

Are there are folks that want to come down on one side or the other on this issue? I'd like to hear a bit of a discussion about the pros and cons on this one.

Michele Neylon: Lots of hands went up there.

Anil George: Anil.

Michele Neylon: Go ahead.

Anil George: I just wanted to say that I'm in the IP constituency. I think the must is a good recommendation. Because one of the problems when there - when you are involved in a dispute is that if you're dealing with a bad actor who regardless of the outcome tries to be evasive or hide by transferring domain to a registrar whom you cannot work with or to multiple registrars so that they kind of get lost in the forest, this is a way of trying to lock it down so you can avoid that type of activity.

Michele Neylon: Okay. Michael Collins then James Bladel.

Michael Collins: Yes thank you. I'm coming back to the language here in this recommendation and I'm reading. It says this sentence says (be) protected to and not must because the IRTT is not the place to mandate the domain locks. See ICANN dispute resolution policies for lock mandates, unclearly written Chapter 8 of UDRP.

It sounds like this might be the - just from reading that paragraph that this might be an issue for a UDRP working group and not a IRPP working group. But I'm not clear that I understand it.

Michele Neylon: Okay. James?

James Bladel: Hi. This is James. And sorry, I was multi-tasking there for a moment. Just a quick question without diving into the merits of this particular topic.

I just wanted to for my own sanity ask where this maps into our charter questions? And does it more appropriately fit in one of the upcoming IRTP groups the way they've broken out the different categories of issues or is it more appropriately dealt with here? I'm asking because I honestly don't know the answer to that.

Michele Neylon: Okay. So some people may think that it's actually - it could actually be out of scope of this working group?

James Bladel: Well, you know, the IRTP is cut up into several sections and I think that whichever one is active at any given moment tends to be a magnet for all IRTP related issues and complaints.

And I just want to make sure that we're upholding the sequence that was originally designed and make sure they we're appropriately cataloguing these for if something belongs in for example, IRTPC or D, you know, that we're cataloguing them appropriately as opposed to taking them all on just because we're the active TDP de jour.

And again, I'm not saying that's the case in this particular, with this particular topic. I just want to make sure that we're mindful of that.

Michele Neylon: Okay. Marika how - Marika, I think you might be able to clarify on this or not?

Marika Konings: Yes. Hold on one second. I had to un-mute myself. Just looking at the ones that PDP had, none of them specifically deals with UDRP related questions.

And this one was categorized here under the issue D whether standards or best practices should be implemented regarding use of registrar lock status.

So as it specifically relates to when a domain name should be locked or shouldn't be locked it does seem to fit it's my personal view, in this category.

And, you know, from looking at the list or glancing over the list, there doesn't seem to be another upcoming PDP that might be better suited for that. And I don't know if anyone else has any other views on that.

James Bladel: Thank you Marika. This is James again. I just wanted to ask is there any upcoming PDP that clarifies reasons for denials in number in Section 3 relative to UDRP?

Marika Konings: Under the only one is that the Issue E of course that deals with but is a specific reason of denial Number 7.

But there's, I'm quickly look over it. I don't think there's any other one that deals with any other reasons for denial.

James Bladel: Okay. Thank you.

And again I'm just trying to ensure that this doesn't become a, sort of an umbrella IRTP group that we keep focused on those items that are specific to this sequence.

And then the upcoming sequence, you know, we don't want to rob material from those things that are on target for later on in the process. Thank you.

Anil George: This is Anil.

Michele Neylon: Anil?

Anil George: I was thinking I agree with Marika because this seems to be the appropriate forum to consider that.

Because if that is a clear way of minimizing or stopping hijacking, then that's something that we should take up as a group.

Michele Neylon: Paul Diaz?

Paul Diaz: Yes. Thank you Michele. I support what Anil said. I think it's appropriate that we - we're discussing it here. I'm not sure that we necessarily should - this group is chartered or has the mandate under its existing charter to change language in another consensus policy i.e., the UDRP.

But at the very least we can make a very clear recommendation in our final report that council should consider making such a change.

I know that there has been debate, discussion about wanting to create a UDRP focused PDP. But with all the things going on right now, that's sort of in the back burner.

But again, I think it would be okay for this group to, you know, have the discussions we are and if we feel strongly enough about it, make a recommendation for future change specific to the UDRP. We can do that in our final report.

Michele Neylon: Marika?

Michele Neylon: Yes this is Marika. Because, you know, I had one question, a comment. I don't know exactly what it is. But if you look at the language under the reasons for denial, I mean they all talk about they deny a transfer request.

It doesn't specifically state that those are also reasons to lock a domain. So my question is actually like is it automatic if you deny a transfer request that the domain is locked or you can as well deny it without locking the domain name?

Because I'm trying to determine whether all these reasons for denial are basically then identical to reasons for locking a domain or not.

Michele Neylon: The short answer will be no. You don't have - you could deny a transfer without (anything) locked.

Michele Neylon: So than an additional question we for the group indeed is whether any specification would need to be added here?

Because I think if I understand the commenters well, they want and need the domain name to be locked. I'm not, you know, denying a transfer request.

I guess in the end it comes down to the same thing. The domain name is not going anywhere else. But so the other group might want to discuss as well to distinguish between those two, must it be denied or must it also be locked as part of the discussion on locking standards?

Michele Neylon: Does anybody want to address that? Paul?

Paul Diaz: Thanks. I was just going to offer it. You know, I'm not sure. I can't speak for other registrars. But for ourselves at least, you know, the way the UDRP process works, once a case has been brought, the registrar of record is notified as the case is brought.

Our practice and I'm sure most of our colleagues are the same just to protect ourselves. We make sure that name is locked for the duration until, you know, a resolution is determined in the case.

So I kind of question here are we talking about fringe cases where names are not locked and then somehow transferred out and the person who brought the UDRP is then complaining that the registrar didn't do everything they could have to assist in their case?

I don't know if there's any statistics. I'm not very confident that there are especially given how WIPO works.

They focus more on the end results, not on the process. But, you know, I just think also to follow what Michele said, the short answer yes is no.

But I think one of the reasons there's so much focus in the charter for this particular working group on locking of names and whatnot is because for the

most part the industry standard, the de facto has become names are locked in different ways by default.

And that, you know, it's often getting those names unlocked or determining what type of lock has been put on, the process for removing it, et cetera, that creates a lot of confusion and frustration for people.

But that the - they don't necessarily have to be locked in order to deny a transfer. That's certainly true.

Michele Neylon: Anil?

Anil George: Yes, just to follow-up on that point, since our mandate is to think about this issue from a best practices perspective, if what Paul is saying is accurate that often it's locked but it's not consistent across the board, then it seems to me that it's - it is a worthwhile best practice to consider that it should be consistently done across the board to avoid a loophole where a bad actor might end up hijacking it because of an unlocked status.

Michele Neylon: Mikey?

Mikey O'Connor: Sorry, I had to come off mute. This is Mikey. Another thing that strikes me as interesting about this is that the lock is done by the losing registrar, right?

So that, in a way this is a process improvement process change kind of a discussion that would be helpful to understand sort of the sequence of events and the desired outcome.

Listening to this discussion's been very helpful. I'm leaning towards the notion that it would probably be a good idea to support something like this.

But I'm also leaning toward the notion that it should be coordinated with the UDRP, the issue that Paul raised so and - or Michael raised. So this one goes on more discussion required pile for me I think.

Michele Neylon: Anybody else there because you've all gone deathly silent?

Okay. Should we just have a quick look at the next, well actually we're very close. We're a bit tight on time aren't we?

Right. We should be meeting again next week as we agreed to do weekly meetings.

It would be helpful I suppose that if there are matters that came up on this call that people wanted to clarify or to discuss further, people could try to use the mailing list I mean even if the messages are very brief.

Mikey has made - is going to be doing wonderful things with James I believe even though they may still include Mikey-isms.

Is there any other matter that people want to address now? I don't want to move on with this looking at these comments because we're a bit short on time to be perfectly honest.

Does anybody have any other matters they want to raise? Marika?

Marika Konings: This is Marika, maybe one issue. And I actually I don't remember if we already discussed it is whether this group wants to meet in Nairobi or whether it would like to have a kind of workshop or meeting to discuss certain issues with the community?

I mean something we could do there is maybe first do a little poll to see who are actually planning to attend and see what the feedback is or I don't know if you have any specific ideas Michele?

Michele Neylon: Okay. Does anybody have any thoughts on that? Guys come on. Paul?

Paul Diaz: Yes Michele, it's Paul. I was just going to say I will be in Nairobi. But my preference is always to take off that week from the regular working group stuff. And given the chatter I've been hearing, expectations that Nairobi will not be very well attended. And coordinating a time that works for people with the different time zone may be difficult.

So for my personal preference I'd plug, I would just assume take a week off for this particular working group, not have another meeting.

And given what, the things we're into, I'm very uncomfortable having a public discussion because we're going to be all over the bloody map. People will be bringing every issue to the table if we open up to the broad public.

It's very hard to get folks to understand, you know, the narrow focus of our charter. You know, they don't want to hear that oh that issue will be addressed in a future PDP or whatnot. They want to talk about it then and there because they are present.

Again for my personal view I'd just assume let's not open the can the worms and take the week off.

Michele Neylon: Okay. James?

James Bladel: Yes. Thanks Michele. This is James speaking. And I wanted to echo some of what Paul was saying, especially with the latter part there is that I'm not sure, but just based on my experience of the last four or five ICANN meetings, I'm not sure that there that the face to face element is particularly constructive unless they're very, very strictly managed and kept on topic.

What happens is that they turn into kind of a - an open forum on a lot of these issues some of which have been well worn territory either within the working group or within the commenters.

And while it's important to be inclusive and open, I think that we also have to be respectful to the folks that have been participating on the calls and the folks that are submitting public comments.

And it's not necessarily, I think it has the effect of giving priority to those who are in the room at that particular moment raising an issue whether it is germane to this working group or not.

So I think perhaps a format that we could consider would be something where we would give a report and kind of a...

Michele Neylon: Report, just report to whom James just to clarify?

James Bladel: To council and to other interested folks in the community but, you know, where we would essentially give a status update as opposed to - and I think that's already happening by the way, the private report to council.

But I think, you know, any meeting where we would take a PDP working group to a face to face arena we should just very closely monitor what is being raised in that and make sure we're not doing a lot of backtracking or rehashing a lot of topics that have already been covered.

Michele Neylon: Okay. And just so for the - I'm not planning on attending. I think a few other people aren't planning on attending. Marika?

Marika Konings: Yes, this is Marika. Just to respond to James's comment indeed that the - and the status update to the council is foreseen to take place over the weekend. And I think that's standard practice for all the working groups. You know, and I'm happy to prepare some slides for that.

And another option would be of course then just to, you know, those slides will be posted, you know, for people that are interested even if we don't do a separate session to basically direct people to those slides if they want to know about, more about what the group is doing and, you know, where the group is at.

Michele Neylon: Okay. (Chris) anybody else got anything further to add? (Chris) did you want to jump in there?

(Chris): Yes. Well I'll be going to Nairobi. And as I don't know many people personally from this group it would be nice if we did something even if it was just a drink in the bar.

With respect what everyone's said before, I think I'm sure Marika can come up with some sort of agenda that will be useful. Thanks.

Marika Konings: You mean cocktails first and then the more hardcore stuff? That kind of agenda or...

(Chris): Anything, yes.

Michele Neylon: That...

Man: Or hardcore cocktails would be nice.

((Crosstalk))

Michele Neylon: (Chris) are you offering to buy everybody a drink?

(Chris): Well yes, except its Nairobi prices, Nairobi street prices.

Man: He already knows that the Irishman won't be in attendance. So it's a safe...

Man: A safe bet, yes.

Mikey O'Connor: But there's more than one Irishman on this call.

Michele Neylon: Oh here we go again with that thing. God you Americans have wanted to be Irish. It's terrible really.

Mikey O'Connor: Yes I'm actually mostly German, sorry.

Man: And what was my grandmother's name again Michele?

Michele Neylon: Oh don't you start. Don't you start. Look I told you, you get me a bit more information I'll help you track down your relatives. Don't you worry.

If anybody's interested I mean it's completely nothing to do with our IRTP, the Irish government has put a whole load of the census stuff online.

You can actually search the entire census for the 1911 census for the entire country of Ireland which is kind of cool and kind of scary at the same time.

Okay guys look, the hour is up. I think we should call it a day. I'd like to thank Marika and the others from ICANN staff who are on their retreat with the nuns and for joining us today.

And David I think you're in the East Coast today aren't you, East Coast today not West Coast?

David Giza: Midwest today.

Michele Neylon: Oh you're Midwest. So you don't get as much sympathy as you do normally. But thanks for joining in and the rest of you.

And I'll probably speak to some of you later this evening on some other call I believe. I'm not sure.

Marika Konings: No. There's no post expiration call this week if that's the call you're referring to?

Man: Woo-hoo.

Michele Neylon: No it was - no, no, it was RAA related.

Marika Konings: Oh, okay.

Michele Neylon: I think there's an RAA call this evening or maybe I'm confusing days.

Marika Konings: Gisella can you confirm?

Gisella Gruber-White: Correct.

Man: It's tomorrow Michele.

Gisella Gruber-White: Tomorrow at 1800.

Michele Neylon: Well I've got it here. I've got an email - oh wait a second. That's 26th of January. Okay fine, I'm completely confused.

That's fine. I'll speak to you all at some point. Sorry and I'll shut up now because I'm confused about days of the week and years and everything.

Have a pleasant week guys.

Man: Thanks Michele.

Marika Konings: Bye. Thank you.

Man: Bye-bye.

Man: Cheerio.

Man: Bye now.

END