

## **Inter-Registrar Transfer Policy Part B PDP Transcription**

**Tuesday 24 August 2010 at 14:00 UTC**

Note: The following is the output of transcribing from an audio recording of the Inter-Registrar Transfer Policy Part B PDP call on Tuesday 25 May 2010 at 1400 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnsso/gnsso-irtp-b-20100824.mp3>

On page:

<http://gnsso.icann.org/calendar/#aug>

### **Participants on the Call:**

James Bladel - Registrar SG – Acting Working Group Chair  
Paul Diaz - Registrar SG  
Matt Serlin - Registrar SG  
Robert Mountain - Registrar SG  
Chris Chaplow - CBUC  
Mikey O'Connor - CBUC  
Berry Cobb - CBUC  
Rob Golding – Registrar SG (on Adobe Connect only)  
Anil George - IPC  
Kevin Erdman – IPC  
Simonetta Batteiger - Registrar SG  
Michael Collins – Individual  
Baudoin Schombe – At Large

### **Staff:**

Marika Konings  
Glen de Saint Gery

### **Apologies:**

Michele Neylon – RrSG Chair  
Barbara Steele - RySG  
Eric Brown – RY (all Tuesday calls)

Coordinator: ...has now started.

Glen Desaintgery: Thank you. Good morning, good afternoon, good evening everyone. This is the IRTP call. And it is Tuesday the 24th of August.

And on the call we have Bob Martin, Michael Collins, yes, (Martia Cornell), Berry Cobb, James Bladel, (Sue Manetta), (Betika) and (Baldwin Sombi).

For staff we have (unintelligible) and Glen Desaintgery. And we have from Michele Neylon and Barbara Steele.

Would you please remember to say your name while speaking for transcription purposes? And Chris Chaplow and Edmon have just joined the call. Thank you James, over to you.

James Bladel: Thank you Glen and good morning, good day to everyone. This is the IRTP Part B working group meeting for August 24. Michele is unavailable today and has asked me to cover for him in this call and facilitate the discussion.

But certainly that's not an inside deal. If anyone would like to ask me to step aside and take the reins, I would certainly not stand in the way of that as well.

But not seeing any hands, I'll just assume that we're clear to go forward. There was an agenda sent by Marika I believe yesterday. And it is posted there in the Adobe chat in the note box.

Now that we've called a role, we can begin on Item Number 2. And that is feedback from ICANN compliance or ICANN legal regarding Charter Question E.

And just as a refresher, Michele had asked ICANN staff to go back and prepare some discussion or give us some additional supporting

information on the problems associated with (unintelligible) seven as it currently reads.

So I'll just turn that over to Marika and have her give us that update.

Marika Konings: Yes this is Marika. The update that was circulated yesterday to the meeting, you see that as well on the Adobe Connect. And I think you might have seen as well that several people already made some comments to that.

I'm having some further discussions based on the comments that were received. And I think there's going to be some follow up from our side.

But we need a little bit more time, you know, we're talking between different time zones to get our response together. So maybe we can differ this to the next meeting so we - so I can post that to the main list. Then we can have some further discussion first, if that would be acceptable by the working group.

James Bladel: I think it's acceptable. But I wanted to open the floor, if there way anyone that had any urgent or strong feelings they would like to discuss today.

But the queue appears to be empty. So I think that we can differ that to the next...

Paul Diaz: James?

James Bladel: Oh, there's Paul.

Paul Diaz: Hey James, thanks. This is Paul Diaz. Marika, in your back and forth with ICANN legal, would you please get clarification around the points that Rob and I were making in terms of denial reason 7.

The recommendation was just to strike it. That to me seems throwing the baby out with the bath water. Would you please specifically ask them is it a question?

One thing I've heard repeatedly in this group is that there's, you know, confusion. There's lack of clarification, et cetera. And in terms, looking at Number 7, I could imagine people saying because they talk about existing locks and suggest adding something like EPP consistent locks.

Would that make legal happier? Do they feel that that's a clarification? It just struck me as very surprising that they were saying throw the whole thing out because it's already dealt with elsewhere.

I definitely would like to see some more clarification. What is there rational? What is their thinking there? And would the suggested text that I'd thrown in kind of get us going in the direction that they were hoping for, something short of striking the provision completely?

James Bladel: Okay, Marika you want to respond before we go to Mikey?

Marika Konings: Yes, this is Marika again. And, yes, I'll definitely take that back. But I just wanted to note as well that I think the comment on possibly striking that provision should be seen in conjunction with Points 3 and 4. Because I think the understanding is that if that provision would be

taken out, it might be more helpful to have another provision that might be more clear.

And D talks about how to lock and unlock domains. But let me get more clarification and feedback to the group on that.

James Bladel: Okay thank you Marika. And it looks like Paul agrees, Mikey.

Mikey O'Connor: This is Mikey. Thanks James. I just wanted to chime in right behind Paul on that. And I also wanted to say that I really like the kind of Zen-like precision of Paul's suggested amendment.

You know, I'm not sure that it's, you know, I have to differ to others as to whether it's precisely the right amendment. But it certainly works in terms of clarifying and highlighting I think the issue there.

So it's mostly just a me too kind of comment. But it's almost as though the, Marika, the five points that you've got listed, there's - is this like a summary of comments from different people? Because they seem like they're a bit inconsistent.

And I was thinking maybe that's, because Number 2 sort of startled me too. I was reading along and found that one to be like maybe from a different person or something like that.

Marika Konings: So this is Marika. This is a combination of feedback that was gathered from compliance and legal. And I think uncommon too. And that's something, you know, we're discussing a bit entirely in further detail.

I think that comes partly from the understanding that, you know, whether that denial reason was intended originally to just relate to registry locks, the EPP registry lock.

So we're having some further discussions on where, you know, what it (unintelligible) assumption might come from. So we need a bit more time to, you know, gather our thoughts together and hopefully get that back to the working group shortly.

James Bladel: Okay thank you, any other discussion on this issue? Okay then I think that we can differ until next week. And we'll await some further clarifications on that Marika. Thank you.

So moving on to Agenda Item Number 3 is we begin to dive in in an examination of the public comments received on the initial report.

And I believe these are also comments and feedback received during the Brussels meeting as well. Is that correct Marika?

Marika Konings: Yes this is Marika. That is correct. What I've tried to do in this grid is to combine the comments that we listed at an earlier date of the comments that we received during the public session we had in Brussels on initial report. As well as the comments that were received as part of the public comment period.

And I've tried to group them together in the different categories linked to the charter questions. And some general comments up front. And I would like to encourage everyone to have a look at this document and, you know, look as well at the same time at the different submissions that were made to make sure that there's nothing missing.

And if you feel that any, you know, comments should be included here or some, you know, crucial information is missing from this summary, you know, to please let me know so I can update this document accordingly.

James Bladel: Okay thank you. And I think it was a good idea to combine those and organize them, catalog them by topic.

So if there are no objections from the group, we can begin to take a look at these in closer detail. And I think that we can start with Section 1, the general comments of Marika's chart that is in the Adobe, for those of you on Adobe Connect, it is in the main window there.

So would you like to read through them Marika or should I?

Marika Konings: As you want, and I see that Paul has raised his hand first.

James Bladel: Yes Paul go ahead.

Paul Diaz: Thanks this is Paul Diaz. I don't want to get ahead of us. I just a question for the group as we start reading through the general comments, in particular Number 1.

A little history lesson. When IRTP was developed, the community, the people who participate in that working group made it very, very clear that they wanted the system we have today.

A system whereby when a transfer request is made, there is not - there is no longer requirement for an affirmative consent for the name to be transferred.

In other words the losing registrar no longer has to receive affirmative consent from the registrar before the name goes out.

It was controversial. What the heck is that on the background?  
Anyway, it was very controversial at the time. My registrar has on many occasions said, you know, we disagree with it.

But I ask the group now, we're dealing with today's reality, it's five years down the road since the policy, almost six. The point that is being made by Mr. (Williams) is number 1, have things changed? Do people want basically to go back to where we were where there now needs to be that affirmation of intent to transfer?

And does the registrar have a role to play in seeking or receiving that affirmation before a name is allowed to be released? As opposed to today's five days and then it goes.

It's just something to think about everybody because if folks like what they see in Number 1, understand that it will be undoing or potentially overturning what was a very specifically negotiated point in today's IRTP.

James Bladel: Okay thank you Paul. And Bob is next and I put myself in the queue as well.



Bob Martin: Yes this is Bob Martin. Paul, which asked then the - it sounds like that would be a problem for any kind of fast transfer system. Am I interpreting that correctly?

Paul Diaz: Fast in what way Bob?

Bob Martin: You know, a fast transfer system where a domain is in an aftermarket environment where a domain has been put up or put into some kind of market.

If it's sold, the domain had been transferred without further involvement from the registrant who would be a voluntary seller. If the registrant is then inserted into the process and must approve, would that then kind of eliminate the possibility of fast transfer?

Paul Diaz: I suspect it would Bob. And the kind of process you described didn't exist six years ago when IRTP was crafted. So that's another issue to consider.

Bob Martin: Yes, so is that the case? And it sounds like it is. And I think, you know, we would certainly have a problem with (unintelligible).

James Bladel: Okay thank you Bob. Mikey why don't you go ahead?

Mikey O'Connor: Oh thanks James. This is just sort of a dumb question. But isn't that the off code cycle? Isn't that what - doesn't the registrant already have the capable? I didn't understand this one.

Isn't the registrant already involved in the transfer process? What are they describing here?

Paul Diaz: Can I jump in James?

James Bladel: Yes go ahead Paul.

Paul Diaz: It's Paul again. I think here Mikey we're dealing with the admin contact and initiator request for transfer whereas the registrant may not be involved.

And the current policy does not require the registrant's involvement. In other words the request can be made by the admin. They can receive off info codes.

The whole thing can happen. The registrant's out of the loop. After the fact the registrant goes oh, I didn't authorize that. And then we have the other sets of problems that this group's been looking at.

Again, it's different. When we go back in time it used to be that the registrant had to be more actively involved. And that was changed six years ago.

Mikey O'Connor: Got it. Thanks.

James Bladel: And I was just going to very quickly raise the possibility that we're discussing an active versus a passive approval process Paul. Because if I did question - if a main transfer from - for example from go daddy to network solutions.

And I had a question of that, I could request - make a formal request that network solutions document the (form) of authorization. You know,

it's not something that's required for the transfer. It happens after the fact.

And it is something that has to be proactively requested as opposed to receiving it by default. That is still a part of the process, just a watered down fashion.

Paul Diaz: Definitely James and it's Paul again. My only point with this, and I'm sorry if I've jumped the gun. We probably should have read through it first.

It just struck me reading Mr. (Williams) point from the general comments, the Number 1 point that he is advocating a return to the old system.

And things like FOAs and the processes that we've learned to live with now, a lot of those did not exist prior. And I just want the group to think about these as they go through.

If there's any sympathy for the point made in Number 1, understand that there's a lot of implications, a lot of potential unintended consequences that we'll have to deal with.

James Bladel: And the original policy if I'm not mistaken was constructed in its current form because they didn't want there to be - it to be dependent upon any action of the losing registrants. Is that correct?

Paul Diaz: Absolutely.

James Bladel: (Sue Manetta) is next.

Simonetta Batteiger        Yes I just wanted to second what (mountain) was (worth being) restored. In our aftermarket currently already as (a case) that we have a lot of transfers going to where people aren't necessarily proactive and approving on the transfer after they feel they've already agreed on the sale in our platform or in some other platform.

So I feel it would just delay any kind of legitimate domain sale process. And it would make an instant domain transfer process like the one that (may) media is facilitating or fabulous is facilitating or our own (unintelligible) to administer.

James Bladel:    Okay thank you, Chris.

Chris Chaplow:    Yes thanks for explaining that. I missed the point that we were talking the difference between the registrant and the admin contact.

But there's one little thing that keeps bugging me. And maybe somebody can put me right on this is is this a third party which is actually slightly different from one of the other two? And that is the account holder in the registrar.

One, is it conceivable that the account holder is a different entity or person from the admin contact? And then if so, even if somebody clicked the box to say I'm the admin contact, maybe they're not.

Maybe they are somebody else. So what I'm really saying is is it the account holder that in practical terms has got all the power? Does that make sense, that question?

James Bladel: It does make sense Chris. And I could speak to my own experience is that there is an account holder. And it is not necessarily, although it commonly is either the registrant or the admin contact. That's not necessarily the case.

Off info codes are exchanged, you know, via Web interface or via email or other delivery methods. So it is possible that the account holder could be, what's the term of (art) here, an invisible hand in this process.

Chris Chaplow: Yes.

James Bladel: Any other registrars want to chime in on that one, Paul?

Paul Diaz: Yes thanks James. This is Paul. Agree with what you've said. And struggle with Chris's point or I have the same problems in that account holder, term of (art) is a good expression, is a constructed by various registrars in the same way that like our registrar will talk about a primary contact.

We equate that with the registrant field. And but they can be different entities. I know it's frustrating. It's an artifact of legacy of our system. But importantly as far as policy is concerned, registrant trumps everything.

So I don't - it doesn't matter. You're account holder, your primary contact, any of the terms that may be used, the registrant of record is still going to be the - have the last say in a transfer issue.

And typically complaining about an unauthorized transfer. So if a registrar internally equates it, great. But if not then that entity is going to be one step below in the pecking order. Does that make sense?

James Bladel: Yes it does Paul. And thanks for the clarification that, you know, the account holder may have full access to the control panels and the configuration of the registration.

But from a policy perspective, it always falls back to the registered name holder, the registrant. Does that help address your question Chris?

Chris Chaplow: Yes it does. I still think I need to look at this and (feel), you know, we got these interesting words here, invisible hand and construct by registrar.

((Crosstalk))

James Bladel: Shouldn't have said that. That probably has a...

((Crosstalk))

Chris Chaplow: It's quite descriptive. And I think this is something we've got to explore because at a practical level, you know, this is what hijacking is, isn't it? It's not necessarily the policy as people doing something to get around it.

So yes, thanks, (unintelligible) a point.

James Bladel: Okay thank you Chris, Bob.

Bob Martin: Yes this is Bob Martin. I guess the question isn't Point 1 differentiating between registrant and admin contact? Or is it just using, you know, bundling the registrant with the admin contact and asking or requesting or suggesting that that entity, that combined entity must be involved in the transfer?

I was assuming the latter. But I could have been mistaken. And he could be, if he's differentiating between the two, then that's a different point. So I guess I'm just curious, does anyone have any insight on that?

James Bladel: I'm reviewing (Jeffrey)'s comment now and I'm not sure that it's clear if he's making a distinction between registrant and admin contact or if he's just referring to registrant.

Bob Martin: Yes, his point could be different depending on which one of those he meant right?

James Bladel: Right, Mikey.

Mikey O'Connor: This is Mikey. Sort of building up on what Bob was talking about, it seems to me that in a way, what we've got is sort of a timing problem.

You know, there's - one goal is speedy, convenient transfers. And another goal is safety in the event of hijacking.

And also sort of folding in your point or Paul's point about registrant trumps, we may want to make the distinction sort of the sorts of things

that go on before the transfer. And the things that then can happen after the transfer.

You know, and this gets further down in our list of comments to the EGRP, or the rapid return thing. You know, I think that our goal is make it easy for people to transfer names when it's normal.

But also make it possible for people to unwind things when malicious behavior takes place. And it seems to me that what (Jeffrey) is really aiming for is the safety side of things. And I don't think we want to necessarily disagree with that.

But perhaps focus on which side of the transfer, before or after the safety measures are put in place.

James Bladel: Okay thank you Mikey, (Sue Manetta).

Simonetta Batteiger (It seems to me) one of the main concerns with this was that if you allow for a quick reversal process of a domain transfer and you have maybe players in the market who want to abuse a domain sales situation.

And then do basically just file for hijacking, get the domain back and create a fraudulent situation like that. And the current proposal kind of makes that easy because the domain just goes straight back into the hands of the previous owners.

So I just started wondering if it might help to think about a process that doesn't automatically return the domain to the original owner. But puts



it in some kind of holding account somewhere else so that it isn't as convenient to just get the domain back into your own hands.

But you'd have to get through the complete process of actually clarifying was this domain hijacked and or was this domain sold, or what has actually happened before the domain is returned to the previous owner.

James Bladel: Yes thank you (Sue Manetta). And those are a lot of problems and paradoxes that I think we wrestled with when we were, you know, drafting the EPRP proposal.

It was just I think mainly a method to get some of those ideas captured and some of the problems that - and (counts) they would entail.

Marika and Mikey is that a new hand? Or because we want to continue through at least this first section. Is that a new hand or?

Mikey O'Connor: It's a new hand, but it's not a real important real hand. We'll take that one down.

James Bladel: Okay. We'll just go with Marika then. Then we can move on to Number 2.

Marika Konings: Yes this is Marika. Just in response to Mikey's comment on, you know, considering safety before or after the transfer. There are a number of other comments that come later down.

If you look for example, you know, Comment 22 was also a comment in relation to an irrevocable transfer process or procedure that also,

you know, probably link into that discussion of, you know, where that security or safety should take place, before or after the transfer.

So I presume there will be further opportunities to discuss that in further detail.

James Bladel: Yes absolutely. And I think that, you know, we could probably spend as much time and have healthy discussions on the comments received for ETRP then the several months that were spent correcting it in the first place.

I think we can definitely dive into those types of questions when we get to that section. So if there's no further comments on Issue Number 1, I wanted to move to the second comment received which was the thesis from Mr. (Roy White).

These changes are inherently dangerous to anyone who might at one time or another actually sell a domain name. And I see Marika's hand is up. And I want to put myself in the queue as well. So go ahead Marika.

Marika Konings: Yes this is Marika. I put this one in the general comment as no further details were made as to, you know, what the person was specifically referring to in the report.

But I was interpreting it as maybe relating to the ETRP as well as (it has) in several discussions on different forums on, you know, what it might do to the aftermarket and, you know, selling of domain names Website.

So the group might want to review that comment and see whether indeed it fits with the general comments or whether it actually belongs into the ETRP section.

Or whether it's really, you know, just a broad comment that applies to all the issues that were discussed in the report.

James Bladel: Okay thank you Marika. And, you know, I think it's fine here. It probably could also be attached to Charter Question A. I just wanted to make a comment here and if Michele were chair I'd probably be a little more strident about it but unfortunately you're going to get the more polite version of my comment.

But something to the affect of, you know, we understand that the transfer process is an integral component to the exchange of domain name registrations on the secondary markets. And we've identified that that process also has some vulnerabilities for the many, many millions of registrants who have, you know, awareness or intention to participate in the secondary markets.

So I would just - as we go through these comments especially as they relate to ETRP I would just want to point out that we need to be looking for a balance. We certainly don't want to, you know, make a recommendations that's going to upend a healthy market that a lot of folks participate in. But we certainly also cannot allow the secondary markets to drive policy in the primary market.

And that's just maybe a little editorializing on my part but I think that balance, as we were discussing earlier, the balance between domain name portability and security, the balance between the commercial

needs of the secondary market versus the security and integrity of the primary market I think we just need to be mindful of all of those things.

So that's my editorializing on that. And I will go to Bob who I'm sure has something completely opposite to say.

Bob Martin: Yes this is Bob Martin. Yes I just point to the feedback I have might be better spoken in the next section but I think it's just as relevant that the phrase dangerous was something that was voiced to me at a couple of conferences I've attended recently where people have come up to me about the ETRP and expressed some pretty, you know, some pretty heightened concerns about that.

So I just think that word kind of keyed it off and now it has been resonating - not a huge sample (unintelligible) of the people who have spoken about it have been, you know, very, very concerned and sort of I think mirror the sentiment in Number 2 as it applies to ETRP so I just want to pass that along to the group.

James Bladel: And those are folks in the - participants in the secondary market, would you say that was correct Bob?

Bob Martin: I think so. And in both cases it was large portfolio owners who were both expressing concerns about that, yes.

James Bladel: Okay. So, you know, I think that this goes back to an earlier, larger question which is is the existing transfer mechanism which was designed to allow a single registrant to express a choice of registrars - is it the most appropriate tool to exchange or mechanism to facilitate a

transfer between registrants? And I think this is the question that's kind of underpinning all of these discussions.

I don't have an answer I just - I think that maybe that's the way to frame the question. Michele, you're next in the queue.

Michele Neylon: Thank you James. (Unintelligible) I agree with you James, but I think balance is required between - well between portability and security. But between people who's primary interest is just transferring a domain name with the same registrant.

And I would say that balance will be achieved if we can find a way to implement an urgent return process that we've - or used of the domain name but we also need to have a way for receiving registrants to contest, you know, the urgent return. So I think there is a balance there if we can find a way to achieve it.

But a urgent return process that doesn't include any opportunity to contest it doesn't seem balanced to me. Thanks.

James Bladel: Right it starts to look more and more like a dispute mechanism which we certainly didn't want to go off and invent. Okay Mikey.

Mikey O'Connor: This is Mikey. I think one of the problem that we have with the ETRP is the...

James Bladel: I'm sorry, Mikey - I'm sorry to interrupt you. You're coming in very faint for me. Is - if I'm the only one I'll go back on mute but is everyone else...

Mikey O'Connor: No...

James Bladel: ...able to...

Mikey O'Connor: ...let me reposition my mic.

James Bladel: Ah, much better, thank you.

Mikey O'Connor: I think a lot of carrots got eaten and I forgot to replace the microphone after that, sorry. We did a very subtle thing when we designed the ETRP. And I think a lot of the complaints that we got in the public comment process are due to the fact that we didn't do a real good job of describing what we are proposing.

And so a lot of this commentary I think is due to misinformation. And so I think along with rethinking the process we also need to rethink the way we describe it because I think it's actually better than people think it is. I don't want to go into the whole list of reasons why but I just want to get the notion out there that a lot of this is misinformation and quite frankly inaccurate.

And I think before we re-tool the whole ETRP we also need to take a look at where we didn't describe it well.

James Bladel: Okay thanks Mikey. And I think that that is definitely something we should be mindful of when we dive into that. Any other thoughts on Mr. (White)'s comment - Item Number 2? I see the queue is empty...

((Crosstalk))

James Bladel: Oh (Matt) certainly. Go ahead.

(Matt): I didn't have my hand up I don't think.

James Bladel: No I just - I'm glad to see you on the call. Awesome.

(Matt): Oh.

James Bladel: And then Chris is after you as well. Go ahead (Matt).

(Matt): No I don't have anything.

James Bladel: Oh okay. Go ahead Chris.

Chris Chaplow: What you're asking for comments (Roy White)'s - doesn't really give - he just states something and then doesn't give any justifying does it? But it's almost to me is related to (unintelligible) (George Kirk)'s post on the forum and just quickly posted something. You asked for comments.

James Bladel: Okay. My only final comment I think, you know, dovetails back to the original discussion which is that it's something that may be dangerous to someone who might at one time or another actually sell a domain name or a Website, you know, but might be a benefit to the other side of that mirror where folks have no intention of participating I think, you know, is something to be considered as well.

We've just, okay, we've got another - a new queue here now for (Sue Manetta) next.

Simonetta Batteiger I would view those (unintelligible) dangerous for the seller of the domain name as something that I would find concerning if I'm purchasing a domain name and there is a lot of legitimate buyers out in the market who run a risk that a name that they have purchased is getting - (kicking) away from them again in hindsight because potentially the seller was upset about something or just plain abusing his powers.

And I would second what Michele was saying earlier there needs to be some way for a dialogue and a real opportunity for both sides in this dispute to voice their opinion and then come to a resolution and not just a automatic transfer back.

James Bladel: Okay thank you. And Bob.

Bob Martin: Yes Bob Martin. The only other - and this kind of goes back a little bit to the - in reading the transcript from last week if I had it right between Paul and Mikey but the proportionality of the measure, you know, I don't know what the, you know, the number of incidents is that this would prevent in other, you know, marketplaces.

You know, certainly our experience is that it's - it's a little bit of overkill given that it's not a huge problem with us and the sort of other measures that we've put into place, you know, kind of invariably solve, you know, the it solved the problem ahead of time anyways. So I guess that point is I don't know if it's disproportionate across the board, it seems so on sort of our slice of experience.

But my suggestion would be that we look hard and that and just - because the feedback I got, you know, and - the people I mention, you



know, who had come up to me about this I think that was their other point was that it's overkill for what they don't view in their, you know, in their opinion as a huge problem. Sort of - it might have been (George) who said, you know, how - it's sort of overkill (unintelligible) or something like that.

So just, you know, just that was my other comment that both my own experience and, you know, the other people who have approached me about this.

James Bladel: Okay thank you Bob. Mikey.

Mikey O'Connor: This is Mikey. This is the - I think the misinformation problem. And, you know, I was hesitating to describe it but let me just describe real quickly the fact that the urgent return process is just that, it doesn't however exist in a vacuum.

Basically immediately surrounding the urgent return process is all of the existing dispute resolution processes that are already there. And the goal of the urgent return is simply to ratchet the thing back to the way it was before and then give the dispute processes that already exist mostly between registrars time to work.

But it's not an automatic return that unwinds a deal. The - one of the things that I think we need to do the next time we describe the ETRP is we need to describe it in context. And I again don't want to go into all the context that surrounds it.

But, you know, this whole premise that the ETRP can undo a legitimate sale by a disgruntled sellers remorse seller is not true. And we just need to do a better job of describing why that's the case. I don't want to

go into all that now because we spent months working on this but there is just a giant misperception out there as to how big this ETRP really is and how little, you know, this notion that there's no dispute resolution surrounding it just isn't correct, that's all. A little rant, sorry about that.

James Bladel: No that's okay Mikey. And I appreciate your thoughts on this. And, you know, folks, I mean, we're spending a lot of time on this which is justifiably jumping ahead into the next section. And in some respects we have both skipped and violated the words of caution in Comment Number 3 which is that we should make sure we're focusing on all of the other issues associated with (IRTPB) and not just on the ETRP or the urgent return mechanism.

I did want to raise a possibility here and I know we had some folks on the group that are - probably have some more experience on a day to day basis in the operations and the culture if that's the right word and the practices of the secondary markets.

And I'm kind of - I know Bob and I'm kind of just also looking in the direction of (unintelligible) as well but I'm wondering if it would be helpful if maybe the two of you maybe even reach out to Mr. Kirikos, our former member, once again and put together some ideas of what would be an acceptable, appropriate and secure method of transferring domain names or transaction domain names that didn't open up security holes for the folks that did not wish to participate in the secondary market.

I wonder if that would be something you might want to give some thought to and put down in some comments. I don't mean to draft people but I think that we're fortunate to have you on the group since,

you know, and we've been accused I think in the comment periods or by some former members of the group of not getting it when it comes to what the impact of this would be on the secondary market.

So maybe some education is in order. And maybe you can help some of us understand. Any thoughts on that or...

Bob Martin: Yes, James, can I respond to that?

James Bladel: Absolutely.

Bob Martin: Yes, no, I'd be happy to do that. I think George, you know, the only scary thing about George is the volume of information we might get back but, yes, I'd be happy to talk with him and, you know, (unintelligible) happy to kind of look in as well and get his feedback. I know he has lots and lots of feedback but he's definitely (unintelligible).

James Bladel: Yes I see that - and Berry did point out that he did raise the idea of an irrevocable transfer which, you know, I think some might suggest that that's what we have currently.

But, yes, I mean, I just think, you know, some clarity on this from the other side of the mirror if I can borrow that again, but recognizing that in a perfect world there would be a separate mechanism to transact domain names that is completely decoupled from a registrant who wants to vote with their feet and move from Registrant A to Registrant B and that those would be distinctly separate processes.

Man: (Unintelligible) happy to sign up for that.

James Bladel: Okay and we'll jump them to Michele and then we'll close the queue and move on to - well I don't know if we want to dive into Section A but we can discuss the last point on our agenda. Michele. Michele, you may be on mute.

Michele Neylon: Sorry I forgot - I thought I was unmuting but I guess I was muting. First I wanted to say that a separate process transfer registrant would be (unintelligible) particularly like the one at GoDaddy by the way and would be happy to suggest.

You know, something like that be used as an alternative to having to use a registrant transfer to facilitate a registrant change. But that's what we have today. And so, you know, we have to use what we have. But I respectfully would like to disagree with Mikey, I do not think that as it stands currently there is any ICANN dispute resolution procedure or policy that would allow an ETRP to be resolved; you know, an ETRP could be reverse.

If there is I'd like to see it and see how it would work. But I tried to write one, I realized that I think that the comments that (Barbara) made that it would require a change to the (TDRP) is correct. I think for us to facilitate or for us to modify the existing dispute resolution procedure to be able to work hand in hand with the ETRP would require a change to the (TDRP).

And in any case I'm pretty sure as it's written now there - a reversal - a transfer reversal could not be disputed by a losing registrant (unintelligible).

James Bladel: Okay thank you Michele. Mikey a quick response?

Mikey O'Connor: Yes.

James Bladel: We want to kind of wind down here.

Mikey O'Connor: Yes. And I think what we need to do is we all need to educate ourselves about the context of the rapid return thing. I just disagree with Michele on that one. And I think what we need to do is dig back in, reeducate ourselves on what this thing is and what context it's in and what will resolve it. It's, you know, something we can get through I'm sure.

But, you know, I think that's the problem, there's just a lot of misinformation out there. And either I'm wildly mistaken or Michele is and we can arm wrestle.

James Bladel: Well you're missing the possibility that we all are mistaken.

Mikey O'Connor: Oh no I'm sure that somebody here has it right.

James Bladel: I - you know, I'm continuously amazed at how many times you walk into a situation and nobody knows what's going on.

Mikey O'Connor: Yes.

James Bladel: Whether that's...

((Crosstalk))

James Bladel: ...politics, business politics or life. But I will go to Marika next.

Marika Konings: Yes, this is Marika. I just want to point out to the group that, you know, following a review of the comments and I'm sure we're going to have a lot of discussion on the (ERTP) that, you know, at some point down the road the group might want to consider as well, you know, alternative avenues and moving that issue forward because, you know, if there are indeed links or issues that might need to be done in the (TDRP), you know, as how it links to the ETRP that might require a separate process.

So, you know, if this group feels that more time needs to be spent on working out a model and, you know, doing testing that, again, you know, might be appropriate to, you know, propose as a separate kind of effort. So I just want to make sure as well that, you know, this group doesn't feel overwhelmed by having to deliver the perfect, you know, policy or procedure.

There are other ways of, you know, in the future to see how that could be implemented or, you know, for example get some groups or get staff to write a proposal and, you know, test that further, have comments and develop a separate strand along trying to put it into practice if the group feels it cannot come to, you know, a solution that covers all the angles or might require a review or a modification of procedures or polices that are actually, you know, not part of the remit of this working group at this stage.

James Bladel: Certainly Marika, I mean, one of the options for this group would, you know, in its final report would be to make a recommendation of something to the effect of we've identified this as an issue but we have not been able to achieve consensus on how to solve it. And maybe

break out or extract some of the key points and then convene a group that's focused just on that particular issue.

So we're now down to less than - about less than ten minutes remaining for our allotted time. I'd like to wrap up the conversation on general comments, Item 1, 2 and 3 and make a note for the next meeting which I'm sure Michele will really appreciate that we're ready to dive into the substance of the ETRP comments.

Perhaps, you know, we got a taste of that today. And what I would just maybe put out as a suggestion is that the group individually and as a group that we kind of take a step back from this issue; we know it's controversial, we know that a lot of folks are looking at one or more particular elements of this proposal that they like, they don't like, they hate, that's got to be stopped, it's evil, whatever.

And, you know, maybe if we can kind of decouple that from our discussion because I think that there are some new folks on the group that maybe don't have visibility to how many months we've spent hatching those issues out; some successfully, some, you know, decidedly with a lot of loose ends.

And maybe if we can take a more strategic perspective on ETRP; this goes back to what Marika was saying, where do we go with this? You know, I think that there is consensus that some thing is wrong and something might be useful to fix it. And, you know, we don't necessarily need to dive in and wrestle with all the devils and all the details at this point if we aren't prepared to make a recommendation that's air tight.

So maybe if we could just kind of step back and, you know, take a strategic look at this. Are there elements of it that are salvageable? I mean, I think one thing that seemed to be popular was the idea that the optional 60-day lock after a transfer should possibly be required to prevent any hijacked names from bouncing around the registrars every other day.

I mean, that's, you know, just - I'm putting that out there as one possible example of a small thing that has just given passing mention in the ETRP which might - which might be something worth discussing on its own.

So, you know, just my opinion on how to approach the next call because my concern is that Item 4 through - I'm not sure how far it goes - 4-28 could take, you know, several months and I'm sure no one wants to be doing this every Tuesday through Christmas.

So with that I'll just - I see Paul's hand up so go ahead Paul.

Paul Diaz: Thanks James. Could I just take it a step further and make it a little clearer? I totally support what you're saying. How do the rest of the folks in the working group feel? Can we in the next call jump to I guess it's Item 29, Charter Questions B, C, D and E? Let's skip A for the time being because I think the others are pretty straightforward, the proverbial low-hanging fruit.

I'd hate to see momentum in this group, you know, that we get bogged down going back and forth on on particular things in (ERTP) in particular when folks have, if you will, homework; they're going to reach out, they're going to put their heads together. That's going to take a



little time. Let's focus on the other ones, knock them out and then come back around to A when we're really ready to hash out.

And understand we're not blowing it off, I absolutely want to go back to it. Also underscore that this was our initial report, the policy that was proposed was a draft; it was meant to solicit comments. We're getting those. The policy process is actually working here.

But I'd just hate to see this group slow down, get bogged down. Let's just jump to Questions B, C, D and E in the next call and then we'll circle around to A once we're done with the - we've collected all the low-hanging fruit.

James Bladel: Paul, I think that's an amazingly astute suggestion. I see a lot of folks in the chat room with the checkmarks supporting that. I support that. I guess is anybody opposed to that? Okay I think it's pretty - I think it's pretty clear that that's a path forward; you don't want to start a marathon by running through quick sand.

So, yes, I'll pass that along. Marika, if we can maybe capture that for Michele that we want to start with Item Number 29 and go through those setting (ERTP) aside while we gather additional information and, you know, hopefully get some more work done on some of these other topics.

Okay are there any final comments or suggestions here? We've got two minutes left in the call and it's an open floor before we adjourn. The queue is clear and the time is up so thank you everyone and have a great Tuesday or afternoon or evening.

Man: Thanks James.

Mikey O'Connor: Thanks James.

((Crosstalk))

Man: Bye.

Woman: Bye.

Man: Thanks.

END