

GNSO
Post-Expiration Domain Name Recovery (PEDNR) drafting team
06 July 2010 at 18:30 UTC

Note: The following is the output of transcribing from an audio recording of the Post Expiration Domain Name Recovery (PEDNR) drafting team teleconference on 06 July 2010 at 18:30 UTC. . Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-pednr-20100706.mp3>

On page:

<http://gnso.icann.org/calendar/#jul>

Present:

Alan Greenberg – ALAC – Chair
Jeff Eckhaus - RrSG
Cheryl Langdon-Orr - ALAC Chair
Ron Wickersham – NCUC
Shiva Muthusamy – At-Large
Tatyana Khramtsova - RrSG
Michele Neylon - RrSG
Berry Cobb – CBUC
James Bladel – RrSG
Mason Cole - RrSG
Paul Diaz – RrSG
Mike O'Connor – CBUC
Ted Suzuki – IPC

Staff:

Margie Milam
Marika Konings
Glen de Saint Gery

Absent apologies:

Karim Attoumani – GAC
Michael Young – RySG

Coordinator: The recordings are now going. Go ahead. You may begin.

Glen Desaintgery: Thank you very much (Sharon). Good morning, good afternoon, good evening everybody.

This is the 6th of July the PEDNR call and on the call we have Tatyana Kramhtsova, Siva Muthusamy, Cheryl Langdon-Orr, Jeffrey Eckhaus, Alan

Greenberg, Barry Cobb, Mikey O'Connor, Michele Neylon, James Bladel, Paul Diaz, Ted Suzuki, (Nathan Cole).

And for staff we have Marika Konings and myself, Glen Desaintgery and Margie Milam.

Thank you Alan, over to you.

Alan Greenberg: Thank you very much. All right. Two things on, or two major things on our agenda today, the first is to talk about a number of items that came up at the, during the Brussels consultation. The second is to hopefully quickly go through what we're planning to do on the public comment forum survey, or the survey associated with the public comment so that we can open that up quickly.

Marika has put up on the Adobe window the major items that both of us noted may be worthy of some discussion. Does everyone on the call have access to Adobe right now or is there anyone who doesn't? Hearing no one speak up I'll assume everyone does.

Marika do you want to try to walk us through it one by one if you're not watching the game?

Marika Konings: I'm trying to at the same time but I'll run you through it. I managed to get a streaming going. So basically the first four points I think are the ones that I know, or first two are the points I noted on from the meeting. The first one was a discussion on value for best practice, I think the question was raised what value does the best practice have if it doesn't have any conditions linked to it.

There was discussion at, in certain sectors if you follow best practices it might give you immunity or you know, you have something to say well I, I did all of this so I'm actually not liable in that case but in the environment we're talking

about you know, best practices don't have any of that. So that was one of the issues raised and might warrant further discussion as those in certain areas we're looking at what issues something should be a policy or a best practice.

Alan Greenberg: Yes.

Marika Konings: And whether maybe that could be certain incentives I guess linked to best practices.

Alan Greenberg: The other issue I think that comes in is in addition to safe harbors, which is not the typical case for a best practice, is generally if one follows the best practice there's something, there's some benefit to one's business other than just you know, being nice to your customers.

If you have a Better Business Bureau seal of approval it's because you follow the rules and you can display that and that may you know, put you in a different status compared to your competitors.

And currently there's nothing like that in the registrar community, at least nothing that I'm aware of. So I guess I'd like to understand, we use the term best practice but I'd like to understand what meaning does it have if it's not obvious to a potential customer that you're doing these things that have been recommended and they don't have access to the list ready access to the list of what the things are so they can't even compare for themselves. James?

James Bladel: Yeah Alan. I'm just curious, and I clearly don't know the answer to this question so I'm asking the group, is that statement necessarily true? It may not be particularly applicable to post (expiree) but I think that there are definitely situations for example under certain legislation where you know, Web hosts and ISPs and registrars have certain best practices that they should undertake in order to limit or eliminate their liability in certain situations.

I'm not sure that saying that there's no best practices or best practices have no benefit I'm just not comfortable with that as the blanket statement. It may be true in this particular case but I don't know if that's always true.

Alan Greenberg: Yeah. Certainly the first case that Marika mentioned is the one you just did, that there may be freedom or reduced liabilities if you follow some accepted list of best practices, and that's certainly one of the arguments, and the other one is the equivalent of a seal of approval, a stamp of approval, stamp of something that may attract customers.

And my question was in the absence of those two in the types of things we're talking about right now does the term have much meaning. I'm, if we're going to use it in the report I think we have to understand what does it really mean as opposed to simply a label that we're inventing. Mikey?

Mikey O'Connor: Hi Alan this is Mikey. At least for me neither of those two are what I was thinking of when I use the term best practice I'm coming from sort of the manufacturing industry quality sense of the term and companies I'm sure.

I am absolutely sure that registrars and registries are already exchanging best practices informally amongst themselves because it's always in a company's best interest to use the best practices in their field to get something done

And the term that came out in a couple of other working groups, my mind grows foggy as to which one, but it was either IRTP or RAP where we started talking about and actually encouraged formalizing what I think is already informally taking place amongst registrars and registries with regard to abuse, and I think that the same could be used here and in fact if you wanted to dig into the RAP report there's probably some language in there that describes that we were talking about.

So I'm not sure that I'm comfortable, I guess I'll go with James on this one, I'm not sure that I'm comfortable with those being the only definitions available to us.

Alan Greenberg: Well I wasn't trying to say they're the only ones, I was trying to understand what the definitions are. (Sheryl)?

Cheryl Langdon-Orr: Thank you. (Sheryl) here. Just following on from what Mikey said, from the perspective of the consumer and here I'm putting on my consumer advocacy well practice just consumer advocacy focus from, yes I admit, the country not the globe, with the definition we would expect that there are a number of best practices that anyone in any particular industry who claims to be a professional and indeed wishes to success is following.

And this ranges from banking and credit card management best practice through to advertising best practices through to all sorts of things. And I think if we're going to make some definitions we need to recognize that there are a bunch of really smart and sensible things that all successful businesses are indeed or should be doing and those who are not are simply floating on good luck probably not good management.

What from my perspective I was thinking and when in the terms of (unintelligible) and in some of the other work groups that some of us are involved in I'm referring to a best practice model, I'm thinking much more along the lines of a domain name industry code best practice set of agreements and objectives, you know, (unintelligible) in the room (unintelligible) people agree this is a good idea for a minimum standard, that type of thing.

Now that may or may not end up in a recognized mark that consumers can go oh, look at that gold star in a red circle, that's a place I can trust.

Alan Greenberg: I guess the question I was asking is if it does not end up in a mark or something how does, I guess how does the consumer end up being impacted by it or can make decisions based on it.

Cheryl Langdon-Orr: Well I can respond obviously only from the experience that I have and in the case of something as powerful as an industry-based code of conduct which would be up to industry to develop, there would be (unintelligible) in that.

The same would be said for any auditable mark, one either does or does not have the right to bear that particular mark, the same as you've seen in a number of other aspects such as the telemarketing or various types of existing codes of practice in a form or another (industry).

Alan Greenberg: So you, but you're saying it still has to be espoused by and essentially not listed by but identified as a best practice by the industry group.

Cheryl Langdon-Orr: That's one way of doing it.

Alan Greenberg: Yeah. Okay. James?

James Bladel: Yeah Alan thanks. James speaking. And you know I guess I'm just more inclined to look at methods that are carrots as opposed to fixed, but I feel that you know any, in any industry the players who are abiding by, helping to develop and then implementing best practices in their own businesses will you know, have some better PR, they will have a better industry reputation and they will derive benefits of that in terms of the number of consumers that choose them as their provider.

You know we offer a lot of products that translate into seals of approval or badges or things like that on Web sites and while I don't want to diminish the value of having those I will say that it is a challenge indeed to build awareness in consumers minds to look for that stamp of approval and to you

know, insist upon it when they're shopping around for their business, most of them are looking at things like price tags and other things like that.

So I just wanted to point out that those who follow best practices enjoy growth and prosperity and those who don't usually find themselves marginalized, and I know that that's not quite as effective, I mean it's very effective but it's just not rabid, it doesn't give us that cathartic feeling of really coming down on the bad guys but it is very real.

Alan Greenberg: Mikey?

Mikey O'Connor: Yeah this is Mikey again. Just to build on what James was saying and also what (Sheryl) was saying, I think that, you know what I'm hearing in your commentary Alan is that you're not real keen on the idea of best practices, so basically sort of making gently negative comments about them, and I guess my point here is that I'm not as negative about them as you.

I think that in fact to your latest point where you said that they're generally made by the market players that's not necessarily true, and...

Alan Greenberg: James said that not me.

Mikey O'Connor: Well, I'm not going to quibble over who...

Alan Greenberg: Okay.

Mikey O'Connor: ...said what but you know, my point here is that I think that there is a lot of value in ICANN encouraging and nurturing an exchange of best practices by market players with the involvement of all kinds of people, without necessarily dictating what those best practices are because best practices by their nature will emerge...

Cheryl Langdon-Orr: Yep.

Mikey O'Connor: ...as best practices that's what, you know, that's why I'm sort of stuck on defining it for you because for me it's one of these fundamental things, it's like the color red, it's very hard for me to define that because it's a best practice.

Alan Greenberg: Just as a comment I'm not against best practices at all I just think that they need to be formalized at some level to be effective otherwise there's no easy way of recognizing them or differentiating them other than if the markets worked as one expects. Unfortunately...

Mikey O'Connor: Well Alan let me push back a little bit here. A best practice will be effective because it's the best way to do something. It doesn't have to be formalized, it doesn't have to be put on a sticker, it doesn't have to be anything, you know the best way to do accounting is with debits and credits and it's a best practice and it, you know, you don't have to put a badge on your company saying that you used debits and credits, it's just the best way to do accounting.

So you may want to take it one step further, and I think this is where (Sheryl) is saying that you know, there is another layer to this, which is essentially the branding or badging of adherence to best practices, but the best practices themselves are just the best way to do something.

Barry Cobb: Alan this is Barry may I get in the queue?

Alan Greenberg: Yeah who is that?

Barry Cobb: Barry.

Alan Greenberg: Okay yeah after (Ron).

(Ron): Yes. This is (Ron). Yeah I have some difficulty with the concept of best practices with some of the activities that's gone on in our group. One of the

issues that comes up to me is I keep hearing and I'll refer back to the gentleman from Brazil, who felt that his best practices for his customers were different than the best practices would be for other registrars.

Or so I don't see how that's, that's where you could say it could come from an industry group but it has to be an industry group that sees itself with a common mission and the fellow who from Brazil saw quite a different mission for his customers or his business model than what would be a registrar, so a registrar for bloggers is completely different from his view from a registrar for very, that deals with commercial, with commercial domain names.

So therefore how do we combine that into a single best practice? The other aspect that bothers me about the best practice thing is I don't see how our group, so we're going to come up with, are we going to have a contest to design a logo for a PEDNR best practice? I mean...

Cheryl Langdon-Orr: Oh God no.

(Ron): ...we certainly can't do a best practice for all of ICANN because we're, our scope is only for PEDNR so I don't see how best practice in our work output fits with the recognition that could come from a logo.

Alan Greenberg: Barry?

Barry Cobb: Thank you Alan this is Barry. I think I'll try to maybe bridge the divide here. Alan to your point I think I understand where you're coming from is what we have today and to what Mikey had mentioned I believe it was (Fast Flux) and RAP that has put forth recommendations for best practices.

What we're absent today is a formal platform by which they truly get disseminated and up to today ICANN hasn't stepped up to the plate to do that and we, you know, the argument of whether they should be the ones to do it

or not is I think a different debate, although in many instances it seems like ICANN would be a good candidate.

But so I'd just like to kind of take or circle back to Mikey's example about what goes on within corporations or the industry, and certainly I've had direct experience within my IP background is there were centers of competency or centers of excellence that owned the best practices and worked with their industry players or stakeholders to help develop them and then from there they are disseminated in a more formal point.

And so I think kind of to (Ron's) you know, point is that you know, point is that you know, there was more of a credibility behind the message of the best practices that they were deploying and yes, certainly different stakeholders and market players can choose to adopt those or morph them to what meets their business model, etc.

And you know, there is only just a level of adoption and kind of back to Mikey's point is those that choose to accept it all the way chances are tend to prosper better from it.

So again the recommendation I'm for recommendations behind best practices but I do share Alan's concern, and correct me if I misstated it but we're just missing that formal platform and that's something that the GNSO, ICANN and industry participants in the contracted space need to figure out, which somehow we need to find something. Thank you.

Alan Greenberg: Yeah. Just to clarify on that I think that would go a long way, you know if ICANN or the registrars constituency or something had such a code of best practice. I think the statements that were made earlier that if you follow best, what are deemed to be best practices you succeed, if you don't you're likely not going to would question the need for audits in general.

And we shouldn't have had the financial crisis and there shouldn't have been melamine contaminated milk products if everyone followed best practices because it was simply better for them. I think it's a euphoric view of life, which I'm not sure we can take.

If there were some sort of codification of them, if they were espoused by some semiformal group that changes it completely I think. James?

James Bladel: Yeah. First up I was just holding a place for Barry but yes, you know, we've compared the registrars to the banks and the folks you know, producing tainted products. We forgot BP though, I heard that one a lot and so...

Alan Greenberg: I'm sorry there was no intention to compare the two...

James Bladel: I wasn't sure could get the whole gamut of...

Alan Greenberg: No. I was just pointing out that there's a whole range of activities, you know, no one would've invented keeping double sets of books to use in the accounting analogy if following best accounting practices was the best way to succeed.

James Bladel: Yeah.

Alan Greenberg: So I think it's a view of the world, which is a little bit euphoric.

James Bladel: No I don't think so Alan. I will say that there are harms that certainly can come in the short term but I think in the long term registrars who are in it for the long haul and really do care about their customers really will follow best practices, but that's just you know, a separate argument.

And I think that you know, we were talking about benefits not really harm, but I think I wanted to go back real quickly and I don't want to bog down the conversation.

But (Ron) made a point earlier, and I just wanted to get to the group that just because these forums or platforms for exchanging best practices are not necessarily open to you know, non-registries and registrars doesn't mean that they don't exist, they do exist and I know this because I'm very active in them. So I just wanted to get that out there.

Alan Greenberg: Yeah. We've got a couple more speakers and I'd like to cut off the speaker list so we can go on to some of the other items, but let's go ahead with those now (Sheryl)?

Cheryl Langdon-Orr: Hi. (Sheryl) here and just a very brief point. Because the At-Large Advisory Committee is, has surprisingly enough been very interested in best practice (exits) and matters across all sorts of things including RAA, and I'm just struggling to find that I will have staff find where it has been put because pages have been changed on the Wiki.

We did have copy of the efforts by the industry some I think seven to nine, 11, nine or ten years ago, where you all did coalesce together as a group and go a certain way forward in developing an industry, a code of what we could these days be referring to as best practices. So I will find that archive and I will share it with you all.

Alan Greenberg: Jeff?

Jeffrey Eckhaus: Yeah. Sorry I guess we are moving on but I'm still, I was still kind of under the impression of let's try and figure out what are the, you know the recommendations and what we want to do I guess before we figure out what's the best way to disseminate it and you know, discussing I don't know if we want to go, if we go best practices or the other piece might be putting the cart before the horse.

So maybe I think and I think you said you wanted to cut this off, so go to the actual issues here and see what are the recommendations what we'd like to do versus debating each one because some of them might work but the best practice some might not but we need to know what those somethings are, what those recommendations may be.

Alan Greenberg: Okay. Just for clarity the reason I brought it up is I'm sure we're going to end up with some things we recommended best practice, you know whether it's for all of them or not is a different issue. And I felt if we were going to recommend best practice or even use the term in the report we should be able define it to make sure it's clear to people what we mean by it, and that was the reason I was, I raised it to begin with.

(Sheryl) your hand up again on this? (Sheryl)? (Sheryl) has disappeared. Is she still on the call?

Cheryl Langdon-Orr: Hi there. Sorry. We had a total blackout but it's, the power has come back on now so phones are working. If, I don't know how much you hear but basically I'll fall on the old archives because we do have copies of them.

Alan Greenberg: Yeah we heard all that.

Cheryl Langdon-Orr: And that was it. I was going to stop anyway but someone turned my power off.

Alan Greenberg: It stopped at a very nice pause in the sentence. We thought you were finished.

Cheryl Langdon-Orr: Yeah I was finished but you know.

Alan Greenberg: Okay.

Cheryl Langdon-Orr: Now I just have to find out why.

Alan Greenberg: The next point Marika I'll read it out so you can continue watching the game.

Marika Konings: Happy to go through it as well Alan.

Alan Greenberg: Okay.

Marika Konings: I can do two things at the same time.

Alan Greenberg: Oh you're marvelous.

Cheryl Langdon-Orr: She's a woman, she can multi-task.

Man: Oh.

Alan Greenberg: Go for it Marika.

Marika Konings: Okay. So the point that was discussed was services for the main expiration we had discussion what is actually on the control of the registrar and what is on the control of the registrant and what if anything could be effected by policy changes and that links to the discussion that we had on whether you know, e-mail should stop or whether the Web site should stop.

And I think part of the discussion that came back there from some is saying that well you cannot actually identify who controls those different items so it might make sense to focus on the top level, which as I understood was a DNS server that basically would result in switching off everything or leaving things on so that should be the focus instead of trying to dig too much at different levels where you actually might not be able to identify or predict or guess what is happening.

Alan Greenberg: Yeah. Thank you Marika. Yeah conversation, for those of you present, got off I think on a wrong twist because we, we mentioned the concept of selectively

changing services, although in general the group has not advocated it but somehow we focused on the difficulty and, or perhaps impossibility of actually doing that.

Whereas I don't believe there was a strong push from the group to do anything other than turn off everything and noting that (unintelligible) is the center on that for e-mail. There was a hand up which has disappeared. Does anyone want to make a comment on that?

I think, and we ended up having violent agreement on that, although the discussion did go off at a tangent for awhile. Not seeing anything can we go on to the third point?

Marika Konings: This is Marika again. The third point relates to there was a question whether if there would be a recommendation to adopt the RGP as a consensus policy whether in theory it will be possible to make that only obligatory for registries or registrars, but we checked on that and basically it's, basically the consensus policy could prescribe requirements for registries or registrars or both.

Alan Greenberg: Okay. In the absence of any hands we'll go onto the next point.

Marika Konings: Another issue discussed is were there any cases where an RE cannot request an inter-register transfer during the post expiration period. I think the issue we debated several times as well on the calls and on the list.

Alan Greenberg: Yeah. The reason I put that on is we ended up in the meeting having some level of confusion as to whether the changing of WHOIS does matter or not and to what extent the loosing registrar has the ability of putting an impediment in the way of the registrant.

And I guess I'm looking for registrars who are on the receiving end, you know what kind of problems are there in, if you receive a request to transfer a

registration to you, that do we need to address anything with policy or are there indeed no problems or no significant problems in, if a registrant attempts to transfer a registration to you during the expiration period.

Not seeing any hands is, oh two hands, James.

James Bladel: Oh yes. I'm not sure how to answer this one Alan so I'm going to go ahead and shoot from the hip and say that you know if the registrant can get their off info code from their registrar we would have no problems I think getting that name, and I'm going to say that with a qualifier that I should probably look into that a little bit more but.

Alan Greenberg: Yeah. I mean certainly there have been cases, if you look at the pre-expiration time where people cannot transfer domain because their domain is locked by the registrar of record or you know, various other terms or makes it difficult. And in those cases ICANN seems to have taken the position that they remind the losing registrar that they should not be stopping a transfer for reasons like that.

But ICANN compliance has taken the position on post-expiration that they can't do anything about it, and that's what had me somewhat confused.

(Mikayla)?

Michele Neylon: I'm just agreeing with what James was saying. I mean the only thing is with a transfer is you have to make, you have to get the authorization from the registrant. So if they can get the code and they can get the e-mail then it should be fine.

Alan Greenberg: And if they can't?

Michele Neylon: Well then obviously it's not fine.

Man: Yeah if they can't, you know, for whatever reason there's very little that the gaining registrar can do to assist because that's essentially indistinguishable from an unauthorized transfer.

Michele Neylon: Yeah. I mean the problems we have with transfers relate to things like EPPTs being supplied that are invalid or people forgetting the, not providing the correct EPP, in other words they think that the exclamation mark at the end of an EPP key is just an exclamation mark and they can ignore us or problems with people using very strange WHOIS servers formats and things like that, because I mean that's the same with any transfer, it's got nothing to do with whether the domain's expired or not.

Alan Greenberg: And am I correct in saying though that in the pre-expiration the normal scenario that ICANN normally takes the position that the losing registrar is obliged to provide the information and is obliged not to lock, not to arbitrarily lock the domain so it can't be transferred?

Michele Neylon: Well the IRTP policy it takes a, what, which circumstances the losing registrar can deny a transfer. So I mean there are a number of reasons why the transfer would be denied and there are valid reasons for this.

Alan Greenberg: Yes. But I'm not talking about, it can only be denied once the transfer has been requested from the gaining registrar because the registrant requests it from the gaining registrar and the request to transfer comes, is between the two registrars. So the question is what about the scenario where the, where the transfer cannot be initiated?

Michele Neylon: I don't really understand what you're saying (Alan), I mean this, I don't actually understand.

Alan Greenberg: Okay I'll try to put it in writing because I think this is a question for compliance not so much for us. I was trying to understand to what extent there was a known issue.

Michele Neylon: Well no I think you're misunderstanding the mechanics of how transfers work which is what's causing me confusion. I mean I can, I could request via EPP I could attempt to request a transfer of Google.com if I wanted, but if the EPP key I supply is incorrect or if the domain is locked it's going to fail.

Alan Greenberg: Right.

Michele Neylon: And obviously the current registrar can just, and reject the transfer anyway.

Alan Greenberg: The question, the question I was trying to raise but I think it's better if I do it in writing, but the question I was trying to raise was what if the owner of Google cannot get from the current registrar of record the off code?

Michele Neylon: Well then you can't, then the transfer won't be possible.

Alan Greenberg: Well that's the point I'm making.

Michele Neylon: Okay.

Alan Greenberg: Okay. My understanding is compliance has taken that scenario pre-expiration and said, and has issued advisories saying that the registrar of record must not do that, post expiration they've said they can't do anything about it. And that was the part that I was trying to explore.

Michele Neylon: Well I think in that case Alan it might be best to put it in an e-mail and maybe ask (David) to clarify because I'm not a hundred percent sure what you're asking.

Alan Greenberg: Okay. Sorry James were you trying to say something?

James Bladel: Nope(Mikayla) summed it up there for me.

Alan Greenberg: Okay. The second question was we were talking at the meeting about RGP transfers and it had been stated at one point, and I don't remember by who, that if WHOIS is changed then the RGP redemption may not be possible and the statement that was made, and I think it's definitive, that was made at the end of that meeting was that, someone is doing heavy moving of equipment or something on the line...

Cheryl Langdon-Orr: Actually it's not heavy moving of equipment it's me turning power back on and there is something happening nearby.

Alan Greenberg: Okay.

Cheryl Langdon-Orr: So just live with it, when I move to the next room it'll go away.

Alan Greenberg: Okay. The question was since the request for an RGP redemption is requested by the registrar it doesn't matter what the WHOIS says if they're willing to pass it on to the registry then it is a good thing and it will be done and I just wanted to make sure that is, was indeed the case because earlier we had some statements that RGP redemptions could be inhibited by the fact that WHOIS has been changed along the way. Jeff?

Jeffrey Eckhaus: Yeah. No that's 100% right, it has nothing to do with the WHOIS.

Alan Greenberg: Okay.

Jeffrey Eckhaus: So you know that is correct what you stated so the WHOIS has nothing to do with it.

Alan Greenberg: All right we are 40 minutes into the call and I think we're finished this section. Marika can we go on to the survey?

Marika Konings: Yes.

Alan Greenberg: Do you have it in some form we can see here or?

Marika Konings: Yeah. I'll go straight to the questions I, it's in two pages so I'll go straight to the actual content questions the first page is just the you know, who are you, what is your affiliation and it just basically states how many questions there are and explains that people need to complete the whole survey and forward their response to get recorded as that's one of the issues we struggled a bit with at the beginning or some of the respondents so.

So it's up now basically the questions that the second part of the survey which contains the questions.

Alan Greenberg: Okay. What I've tried to do different in this one is put preambles in which will frame the questions well enough even if people have not been part of this working group and they're not overly familiar with the issues. What you're seeing is essentially the survey as I drafted it, heavily modified by James most of those changes are still there and then some minor modification by Marika as she was putting it in a form for the survey to try to make it either more readable or more understandable.

So the first section we're talking about I don't really want to go through this in great detail, I'd like you to all to look at it and comment via e-mail if you have specific comments.

The first section essentially is talking about the renewal after expiration should it be, should there be an opportunity, should there be for what time should it be allowed and then are we talking about that it should be required by our ICANN policy, it should be offered at the registrar's discretion either a best practice or as a means of differentiating service or, and Marika's added in all cases a no strong feelings.

The next section is on expiration notices, and again trying to frame the issue. I did add something here which we haven't discussed and I think it's true but

I'd like confirmation from the registrars and that's the issue of there's an expectation from some people that if they, if you send a notice and the e-mail for instance is no longer exists that you will get a bounce message and you should be able to do something about it.

My perception is these messages are sent out in an automated way and there may not be a very practical way of handling bounce messages recognizing them and taking action because of them. Is that a reasonable statement or is that in fact unreasonable? Jeff?

Jeffrey Eckhaus: I would say that one is you do not always receive bounce back statements and...

Alan Greenberg: No. No I understand that but the question is...

Jeffrey Eckhaus: Right. But let me just finish.

Alan Greenberg: Yeah sorry. Okay.

Jeffrey Eckhaus: Let me just finish and then two is that you know, once you reach let's say you have you know, registrars if you have over you know a million or so domains you know, these are batch jobs where you're doing thousands and thousands you know of these a day. So yeah going through and saying hey this one isn't there and dissecting it that's just not something feasible if you do get a bounce back.

Alan Greenberg: (Mikayla)?

Michele Neylon: Then we would be, we would have a lot smaller customer base than Jeff would have and we'd, and our view would be similar, I mean if I send out an e-mail to say 20 or 30,000 recipients, one, I'm not going to be guaranteed there's all of them that haven't bounced have actually reached somebody.

I mean a common enough thing is where the person will come back to you months later and go oh, you know I don't (unintelligible) particular e-mail account once every few months, there's no way for us to know that.

I mean all we can do is attempt to send a notification, we've no way of knowing if the notification has actually reached a human being on the other end and dealing with bounce backs is, well it just doesn't scale once you've got more than a few hundred lines.

Alan Greenberg: Okay to summarize you're both agreeing that what I've written is accurate and a reasonable statement to put in there. James?

James Bladel: Yeah. And I think probably similarly but you know, I'm very concerned with any policy or request practice or any recommendation that goes beyond just the registrar obligation to send a notice, you know whether it gets bounced back, picked up by a spam filter, ignored, deleted or forwarded to the wrong person is really starting to get outside of anybody's ability to control on a consistent basis, particularly when they get into large numbers.

So I think that you know, the obligation should be the line of demarcation should be appending the notice not on whether or not it was received and acted upon.

Alan Greenberg: I'm not sure what you're responding to. I was describing what is there in the preamble describing the scenario which says it is not practical to do anything more and we should not expect registrars to do any more so I, I don't think anyone has suggested that you somehow use your crystal ball or anything else to determine whether the message was received.

James Bladel: And I guess if that is what the preamble is saying then I agree with you.

Alan Greenberg: Well it says that these addresses are no longer valid or in use by the registrant the notices will not be received. Those, these messages are

typically sent in large quantities and detecting bounce messages is often impractical. (Mikayla)?

Michele Neylon: Oh I'm, well I mean taken the, given the fact that it's one, that all we're talking about is sending it then maybe just remove the preamble. I mean it's just going to cause more confusion I suppose because I mean it's already managed to confuse a couple of us and we're eating and breathing this, so maybe just remove it completely.

I mean we're just talking about sending it and that's it.

Alan Greenberg: And but I think the issue is to frame the question saying this is all we're asking about because otherwise I don't want to start getting additional comments back saying that registrars should do things like that which are not practical.

Michele Neylon: Alan, the reality is if you send somebody on any kind of questionnaire where the question is longer than one or two sentences people are either, are probably going to pick up on key words within that and misunderstand what you're asking about. So I think it's just causing more confusion than it's actually solving.

Alan Greenberg: Okay. Mikey?

Mikey O'Connor: I was going to say kind of the same thing. I was going to say at least take off that last sentence, I don't think the...

Alan Greenberg: All right. I thought adding it helped make sure that we're not setting expectations incorrectly but if you want it, everyone wants it to go away we can make it go away.

I thought I had my best defend the registrar hat on him and when I headed back. All right let's go ahead. There's a number of questions about notices,

how many, asking people there is also a question asking if people you know, essentially I think this one came from James asking people what they believe would be the best way to notify registrants. Mikey are your hands still up?

Mikey O'Connor: Mikey's lost in some weird tech thing that happened on his computer. Sorry about that.

Alan Greenberg: Okay. (Mikayla)?

Michele Neylon: Yeah just Alan just look you keep on referring to the RAA. I mean I think if you were to refer to you know, ICANN policy it might be better.

Alan Greenberg: Fine. I think it was, well I'm not sure who added the words RAA, Marika if we can make a note to remove the references to RAA and put, make it refer to ICANN policy instead that's fine with me.

Marika Konings: Okay.

Michele Neylon: And apart from anything else the (unintelligible).

Cheryl Langdon-Orr: The more understandable by humans as well.

Michele Neylon: Well two things, one it will probably be more understandable by humans and two, if you keep talking about changing the RAA I'm going to say no to everything, and I probably wouldn't be the only registrar who would do that. Whereas you say something about ICANN policy I'm much more likely to be reasonable about it.

Alan Greenberg: Fine. The intent of the, of whoever put it in meant should we have a consensus policy which becomes part of the RAA, but I have no problem at all saying ICANN policy, I think it's clearer, so no argument. Jeff?

Jeffrey Eckhaus: Yeah. So this is an issue I think I've had and for awhile on the notices because you know there's a lot of things in here that say should they specify and it's sort of I won't say leading but it's sort of saying hey maybe they should send four or maybe five or something along those lines.

And I think on some of these people might have the feeling that hey of course more is better but we actually have no idea if it is. Maybe two is the optimal number. What if five there is, we say we think we're doing something right for you know, registrants for these, you know, for these issues.

And suddenly there's more confusion because they're saying hey I got five of them, I didn't know that these were real, I thought it might've been spam, you know I don't know what's going on.

I think that we have to be very careful, and I mean I don't like this whole section because I don't think that, you know there's definitely unintended consequences here and we don't know and I think the way the questions are written it's sort of leading to say oh of course, more will be better but we don't know what the optimal number would be.

I think allowing you know, a lot of the registrars have experimented and said okay, their, for their base and what they've seen they know what the optimal number is and of course that's their, you know it's part of, you know their secret sauce but I think to mandate it might not you know it might not work for every registrar.

And we have to realize there's a lot of different countries, a lot of different customer bases and you know a registrar who's in China might say you know I need to remind my customers ten is the best number while a registrar in Brazil might say two is the perfect number for me and for us to mandate that could not work and doesn't take into account you know, cultural differences or the customer base and how it works.

So I, this section I really have a problem with and I think that it might be actually causing more harm than it is good.

Alan Greenberg: I guess I'll point out that we're not simply going to take the results of the survey and put it in policy but we're simply asking what people's opinions are.

Jeffrey Eckhaus: Yeah. That's good to see, I mean yeah you could say that because if somebody says hey, what's the best way to deliver notices and if somebody says by, you know, somebody dressed up in a suit of armor in a stagecoach, you know of course we're not going to put that down because that will never happen, but I think on some of the others we might say hey everyone says five is the best, we should include that as a policy.

So I think that saying we're not going to do that it's, you know it's a noble thing to say up front but then I don't know what's the purpose of asking this question then. I'm just, I really have a problem with this one because if I think the issues it causes, but I'll leave it at that.

Alan Greenberg: (Ron)?

(Ron): Yeah this is (Ron). I'll say a slightly different concern is to say that a registrar in China understands his own customers who are local flies in the face of (unintelligible) to do top level domain registration for anyone on the world.

So making local policy may make sense for customers in China but doesn't make sense for a registrar in China or any other single country who undertakes the business of selling domains throughout the entire world.

Alan Greenberg: Any other comments on this section or any section for that matter? Okay if we can go along the next part was services after expiration and essentially that's the question should we make everything dark or not.

And Marika there was a question about education do you remember where we ended up putting that one?

Marika Konings: This is Marika, let me just.

Alan Greenberg: James had suggested a sort of an open ended question of how do we best educate our (unintelligible).

Marika Konings: It's just above the services of the expiration, I call it information and education and it has the two open questions. It's just, it starts at the bottom of Page 4 and then goes into Page 5 I believe.

Alan Greenberg: Okay. I see, okay. There's an orphan title with a small font that I missed. Got it. Okay. There is the after the services after expiration is WHOIS, which is the general question of should we fix WHOIS and certainly among us there was a general unanimity on it.

Education and information is the general question that James had suggested of what's the most effective way of alerting registrants, that is an open ended question saying there is a problem among some registrants, do you have any ideas. And clearly we're not going to necessarily implement everything people suggested but we may get some interesting insights. James?

James Bladel: Hi Alan. James speaking. And I just wanted to point out for the group and for the other registrars who are probably wondering where my head was at, you know I was just trying to introduce the concept of open-ended, free form questions into the survey to ensure that we A, weren't leading folks down one path or another.

And B, because you know there's always that possibility that the community will come up with something that has been right there in front of our noses but because we've been working on this for awhile we're too close to the issue to

see it. So you know I really thought that free form open ended questions were a way to achieve those two goals. That's it.

Alan Greenberg: Marika?

Marika Konings: Yeah this is Marika. Just Alan as well because as I understand and I already started working on the announcement for it that the idea would be that either people can opt to fill this in and/or submit comments like they usually can, you know in an e-mail form you know, whatever they want to write basically so that people have different options they can choose from or you know, do all the different ones they can do.

So hopefully in addition to the additional common boxes we have left here, you know, people shouldn't feel restrained to add other things that are maybe not covered in the survey as part of the public comment period.

Alan Greenberg: Thank you. Just in response to James I thought it was a great idea. You know every once in awhile people do have good ideas and I think we should be open to them.

All right services after expiration we talked about and then the RGP. I originally had a single question saying should it be a, or should it be required for both registries and registrars and James suggested break it into two questions which we have done.

Cheryl Langdon-Orr: Sorry Alan could you just repeat the end of that sentence? You faded at least for me.

Alan Greenberg: Oh sorry. The original question I had should essentially should the RGP be a consensus policy for both registries and registrars and the James suggested breaking it into two different questions that is for registries and a separate question for registrars.

Cheryl Langdon-Orr: Okay. Thank you.

Alan Greenberg: And I believe the last section, hello. I believe the last section is on, it comes back to the question of clarity and should there be some information other than the legal contract in you know, in legal terminology that the registrant has access to.

And that's about the size of it. If there are not any other, if there are any other comments I guess this is a good time otherwise Marika and I will do a rework based on our discussion today and try to get it out as soon as possible.

Marika did you check whether the comment period must be 20 days or whether we have the option of making it longer? That was one of the questions that came out of the meeting.

Marika Konings: I think the recommendation was to have it as 20 days but I could really see towards the end that, you know, we have very few comments or we are aware that you know, certain groups are still working on their comments I think at that point there's a possibility to extend it.

Alan Greenberg: Okay.

Marika Konings: But to follow the bylaws maybe as to start off I think the recommendation is to do it for 20 days with you know the possibility to extend it.

Alan Greenberg: Okay. You had your hand up before I asked you the question so.

Marika Konings: Yeah my question was whether we want to set a deadline for when people can provide comments on the survey so we can actually have a date for launching the public comment period and just conscious that we're moving closer to August and for many I think in Europe that's typical holiday season.

Alan Greenberg: My inclination is to say no later than the end of this week but.

Marika Konings: So if there are no comments, everyone's happy to, that we open it coming Monday would that work?

Alan Greenberg: That would work for me. Okay. Then to quote, no I won't try to quote Star Trek. All right the last item is the next meeting I am away all of next week so my preference is to not hold a meeting next week but schedule it for the Tuesday afterwards, if there's any objection or someone really wants to hold a meeting then you can certainly go on without me.

But my inclination is to skip a week and schedule it for two weeks. Do we have any objection? Marika has her hand up that may be from before.

Marika Konings: Yeah. I'm just taking it down.

Alan Greenberg: I hear no objection, I see no tick marks, but I assume you're all focusing on the game if it's still playing.

Cheryl Langdon-Orr: Hey I'm not.

Woman: That's fine, (we're paying all of them).

Alan Greenberg: We have several tick marks. Then I will thank you for your attention and (Mikayla) says it's half time so you're going to get the full last half of the game in uninterrupted then. If there's no other objection I would thank you for your presence and this is a lot of presence in the week right, and a very quiet week for teleconferences otherwise, and I will see you all in a few weeks.

Cheryl Langdon-Orr: Thanks Alan.

Alan Greenberg: Thank you.

Cheryl Langdon-Orr: And sorry for all my background noise (unintelligible) always noisy.

Man: And (Mikayla Nilan) is now entering the call.

Alan Greenberg: Alan Greenberg is exiting the call. Bye all.

Cheryl Langdon-Orr: Bye all.

Woman: Bye.

Woman: Bye.

Glen Desaintgery: (Sharon)?

Coordinator: Yes I'm here.

Glen Desaintgery: Thank you very much indeed. The call is over and thank you very much for looking after the lines so well.

Coordinator: You're welcome. You have a great day. Thank you.

Glen Desaintgery: Thank you. Same to you (Sharon).

Coordinator: Thank you. Goodbye now.

Glen Desaintgery: Thank you. Bye. I there

END