Registration Abuse Policies Working Group
TRANSCRIPTION
Monday 23 November at 15:00 UTC

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Present for the teleconference:
Greg Aaron - Registry stakeholder group - Working Group Chair
James Bladel - Godaddy Registrar stakeholder group
Berry Cobb – CBUC
Mike O'Connor – CBUC
Rod Rasmussen – individual
Faisal Shah – IPC
Robert Hutchinson - CBUC

ICANN Staff
Margie Milam
Marika Konings
Glen de Saint Géry - GNSO Secretariat

Apologies:
None

Coordinator: This conference is now being recorded.

Glen Desaintgery: Thank you. Good morning, good afternoon everybody. We have on the call

Mikey O'Connor, James Bladel, Greg Aaron, Faisal Shah, Berry Cobb, and

(Robert Hutchinson). And for staff we have Marika Konings, Margie Milam,

and Glen Desaintgery. Have I left off anybody? Okay thank you.

Greg Aaron: Thank you so much Glen and welcome to this edition of registration of use

policy working group. I'm your host Greg Aaron. We have a small group today

but thank you for joining us and we hope to get through a lot of material today.

We're going to check in with our cybersquatting and uniformity of contracts groups and then if at all possible we're going to try to rip through the remaining list of topics that people had raised and see if any of those require further work or if they can be dispensed with.

So why don't we begin with - I tell you what, why don't we begin with Berry and his crew because you just sent out a document on Friday so would you like to take over Berry?

Berry Cobb: Sure thing. This is Berry Cobb. Basically the uniformity of contracts team met together last week. We have basically kind of just tried to finalize what the recommendations would be coming out of our little sub team. And we went through a first draft of our recommendations report and since then kind of a second or maybe third draft has been submitted.

For anybody that's interested, go out to the uniformity of contracts Wiki. All the activity and documents are posted out there, specifically the latest one which is the draft B-3 of our recommendations report.

Before I - I'll just quickly run through the report and just touch on the highlights and then everybody else can go into the details. We'll mostly just hone in on the recommendations for the purposes of this call and then perhaps the next meeting if there is - when we have a bigger group we can talk about any issues or any problems that people may have with the report.

And then just one slight caveat -- this latest draft, the UFC team hasn't really had a chance to completely review it so there might be a couple of small recommendations. That's why I'm still keeping it as a draft. But I don't suspect that it will change dramatically between now and there so that's why we went ahead and posted it up onto the Wiki.

Excuse me. So with that in mind I'll just kind of - I'll brush through page by page and touch on the important stuff and if anybody has a question just interrupt me and then we'll talk about it and move on to the next.

So starting on Page 1, okay we've got it on the Adobe Connect as well. Page 1, title page. Page 2, standard template, issues, background, nothing new there. We know the issues, the background is basically just kind of a retracement of what the team went through.

The next little section or it's still within the background section which is hopefully somewhat new, I felt it was important to try to put a picture to the scope of what we were dealing with and the result of that is what you'll see on Page 4 which is the agreement relationship diagram. I won't jump into details. I'll let, you know, people kind of study this and if they have got any changes or recommendations to enhance this chart go for it.

But basically the idea here was to represent who all of the associated parties are relative to agreements or registration agreements, etc. and the contracts - can you guys hear me okay?

Man: No there's some noise on the line but it's okay. Are you on a cell phone?

Berry Cobb: I am but I'm stationary so it shouldn't be - it's never been a problem. There it goes.

Greg Aaron: It's a little better. By the way Rod Rasmussen has joined.

Rod Rasmussen: Yeah (unintelligible).

Man: Rod you are...

Greg Aaron: Yeah it sounds like you Rod. Okay yeah, thanks for muting. Okay go ahead Berry.

Berry Cobb: Okay. So anyway, we basically had tried to list the parties that were within scope and then the agreements or contracts that bound those parties so, you know, basically starting at the top we've got the ICANN board is really kind of what that's supposed to represent. Then you've got registrees, registrars, the registrant, and then also we also threw in indication for resellers and hosting providers and Internet users.

And then really the four - the take away here is the four primary agreements that are in scope in terms of understanding dispersion or lack of uniformity in contracts with the registree agreement, the RAA, the RRA, and what I dubbed as Little R Little A which is the registration agreement.

As well as although it didn't really - we didn't really get into the scope of trying to determine dispersion then we've also got the Little RR Little A agreement which is the registrar reseller agreement. So anyway, the take away here is just try to provide a visual as to what we were dealing with and hopefully there's some value there.

On Page 5 it's basically just a summary table of our dispersion findings. What I tried to do here was by contract - I'm sorry, by agreement list out kind of a summary result of what we found. So pretty much I think as everybody can guess on the phone is, you know, while there is some uniformity out there, there is really not any uniformity at all within scope agreements and across the board.

So it's surprisingly kind of a free for all if you will. Most of the uniformity that you find is specifically with like the RAA or the RRA which are derived from templates but even there, there is still some variation or dispersion with those.

So anyway the take away here is within our four in scope agreements the RA, RRA, RAA, and Little R Little A, we did find dispersion. Those top four have a dedicated appendix section that dives into the details and we'll cover those in a little bit.

The last subsection for the background is basically the team's conclusions and guiding principles. And I won't go through all the details here but in general we basically had three guiding principles.

The first is that we do recognize there is dispersion out there or lack of uniformity among contracts or agreements. The team feels that some sort of uniformity is important and it will help promote equal competition. The second kind of guiding principle is that in reference to trying to create some uniformity, a minimal baseline of abuse provisions should be created. And then thirdly kind of to be continued.

We do realize this is a pre-PDP. I personally suspect that this will definitely evolve into a formal PDP but nonetheless the team came up with the notion that, you know, we're really just kind of scratching the surface, that a more formal PDP will be required to move this stuff forward. And in the meantime where possible market participants should try to, you know, kind of go alone or take it on their own to start addressing abuse up until the formal PDP, etc. Can catch up to everybody.

So those are kind of the three guiding principles for the team. Those will flush out more into the recommendations which I believe is on the next page. Okay so any questions up to this point before I get into recommendations? Okay.

Greg Aaron: Berry this is Greg, I had a question.

Berry Cobb: Sure.

Greg Aaron: You had said something about the market and policies allowing parties to compete more evenly. Is that in the document?

Berry Cobb: Yes it's under the dispersion consistency on Page 6. Basically it's just the statement is that, you know, it's our belief that increased uniformity is important for the marketplace and it does help promote equal competition.

Greg Aaron: Okay I'll find it, thank you.

Berry Cobb: Okay so recommendations. Basically the team right now came up with four recommendations. Like I said I don't think we've all had a chance to completely digest these so they are up for some slight modifications after the Mike and Mikey and James kind of review this and we update it.

The first recommendation basically is to create an abuse provision baseline and in the living in the world of acronyms we're calling it an APB. So basically the recommendation here is that we believe that a formal PDP should be formed, a greater PDP. Not a - I don't know that an individual PDP just about uniformity of contracts is necessary, but like I mentioned I've got a feeling that a larger registration abuse PDP will be formed someday and the intent would be to piggyback off of that.

And what we tried to do is kind of just put some boundaries about what that PDP should look like. So basically the take away here is that there's some sort of baseline abuse provisions created that should be loaded into the varying agreements that we have across the market participants.

And I was very - I don't know if careful is the word or not but between Recommendation 1 and Recommendation 2, they're really almost the same but I split it apart, substance in Recommendation 1 and scope in Recommendation 2. And the reason for that is I didn't want Recommendation 2 to necessarily - if there was any disagreement in Recommendation 2 about

the scope deployment I didn't want that to affect the content of the agreement.

So I'll kind of boil this down into layman's terms between Recommendation 1 and then really Recommendation 2. Recommendation 1 is strictly about what content or what that minimum baseline should look like for agreements. Recommendation 2 gets into the scope deployment -- should it only go to the registration agreement or should it cover all agreements.

And that's something that needs to be flushed out and really - and I guess kind of the take away about Recommendation 2 is that the scope deployment could affect what that minimum baseline means.

And what I - what that translates to is a minimum baseline may or may not accommodate a registration agreement or it may or may not accommodate an RAA or the other types of agreements. So basically I'm kind of leaving the door open that the APB may need to be modified to cover the varying agreements but at this point we just don't really know. Questions about Recommendation 1 or 2? Did that make sense?

Greg Aaron: I have a question, it's Greg. When you're talking about abuses, what kinds of abuses are we talking about? Is this really about malicious uses of domain names or something else?

Berry Cobb: No that's a big question. I guess I'm going to backdoor my way into answering your question. I think from our last call when I had talked about our status of where we were with the UFC team, I had let on to the notion that I kind of had this revelation from some of the presentations in ICANN. Bottom line these first two recommendations and also in Appendix 5 we kind of have an example of what an APB might look like.

I'll be perfectly honest here. You know, I'm stealing this from the PIR presentation basically. That presentation, the way that it was structured again

to me perfectly aligns to with what this working group is all about and so the recommendations are really kind of structured around what is already out there in use today.

Greg Aaron: Now let me ask you about what - specifically about the PIR recommendation. Are you saying the abuse policy they have or what allowed them to have the abuse policy?

Berry Cobb: The abuse policy in of itself. So if you look at that abuse policy it has a standard definition of abuse and I think that they even took it to the next level of defining varying types of abuse under that definition. And then the second critical part to that is the indemnification that allows them to do the rapid takedown and those kinds of things.

Greg Aaron: Well okay, well I think there's also another issue which is what allowed them to do that in the first place which is they have some language in their ICANN contract that says that they can set certain policies for the registrars or certain policies within their TLD. And that's what Mike Rodenbaugh was pointing out when he actually asked the council to come up with our working group. Because his thing was that the .com, .net contract doesn't have the same language that for example some of these other TLDs have.

So I think one of the things we'll have to look at is are we talking about making people have specific things that say you can't do phishing, you can do malware, etc. or are you - do we also need to take this up a level and say do all registrees or registrars have the ability to do these things. I think that's something we're going to have to look at.

Mikey O'Connor: This is Mikey, I'm going to jump in here, I agree with that. I think that probably the reason you don't see it here is because we didn't view that particular issue as really part of the scope of what we were on so we just didn't - I don't think we disagree with that idea, I just don't think we took it up.

Greg Aaron: I think it's absolutely within scope because that's why this group is in existence.

Mikey O'Connor: Oh yeah, in terms of a larger working group, in terms of...

Greg Aaron: Yeah the larger group, yeah. Now the indemnification is something very different and I need to - I probably need to address it now just because it's a definitional thing.

                No one - well the indemnification is a funny thing. There's actually - we're going to have to get into that a little bit. We have two issues. One is let's say a registrar, registree takes down a domain name are they indemnified by the registrant for example, that's one issue. If a registree takes down a domain name are they indemnified by the registrar is another thing.

                The big issue I think or one of the big issues is if you force - if I can force this people to have abuse policies and enforce them, can ICANN indemnify them. This is actually a question we've been asked to look at because of the (fast flux) question that was forwarded to us by the council which is if we have a PDP - one of the questions was if there is a PDP that you make people have policies and do stuff as a result, can ICANN indemnify them. So we've got to work that into the discussion somehow. It may be we don't solve it in this group but it's one of the things that we're obligated to ask.

James Bladel: Greg and this is James. And the corollary to that is the answer is no, that ICANN cannot offer any protection to registrars for carrying out prescribed policies. And then it really gets to the heart of whether or not ICANN should even be creating policy in this area.

Berry Cobb: I would agree with that, this is Berry. The question I have is, you know, regardless of how - to me it was blatantly aware of the successes that PIR had from their presentation. I certainly don't know the details, I don't know what practices they did behind the scenes but it was more than obvious.

And so I guess I'm kind of struggling working in the policymaking world but, you know, I'm not sure how PIR even can really say are they truly indemnified with what their actions but my take on it is they didn't necessarily seem to care. They see the abuses as a big enough problem that they were going to move forward with it and roll with the punches as it happened.

And I'm not saying that's what we should be recommending here but they just went ahead and did it. And so again, that's kind of like the baseline of why we put these recommendations together is pretty much modeling off of what exists out there.

Greg Aaron: I'll say something and then we'll move to James. The PIR policies is basically word for word the policy that I wrote for .info and I helped PIR with their operation so I'm intimately familiar with what they do.

What they have in their contract is something that a lot of registries have and it says basically the registry operator has the right to set some policies within its TLD. So what we did and then later what PIR did was we said we want an anti-abuse policy and it says, you know, we don't want to see the following things happening in the TLD.

Now what it does not say -- and this is really important -- is it does not force a registrar to do anything. We cannot do it. One reason is the registrars did not want to allow us to have the ability to force them to take down domain names because that involved liability on their part. You know, fair enough.

Now what both (unintelligible) and PIR did was we said we are willing to - well, you know, we're going to work with our registrars on occasion we will take the initiative to suspend domain names. We are doing that on our own risk and that's the crux - one of the cruxes of the issue I think which is these companies have decided they are going to assume that risk and they're going

to figure out how to manage it themselves. They'll decide when to suspend domain names or not.

So one of the questions is do you want to give companies the ability to do that, make their own choices about when to do that, or are we going to recommend that ICANN force people to take those kinds of actions. And that gets back to what James said which is can ICANN even do that.

And I think it also depends on what kind of abuses you're talking about. Malicious uses of domain names is a subject we need to - we're going to have to have a conversation about, you know, is this kind of thing something that ICANN can mandate or not. That's an interesting question we have to get to. So anyway, let me go on to James.

James Bladel: Yeah thanks Greg, just real quickly. I also wanted to chime in and without discounting any of the impacts of the effort that info and PIR have undertaken at the registry level, I just wanted to point out that as a registrar Go Daddy has a very extensive, active, and we've invested quite a bit in our abuse department.

We have numerous talented people and tools and so we feel, at least I feel that it's, you know, that registry level intervention should be rare or it should apply to registrars probably that don't take the initiative on security issues.

And so, you know, I just wanted to put this out here as, you know, we're not looking at this where a registrar and a registry disagree on how to pursue a certain situation and so the registry issues some sort of override or veto at a higher level. It's much more of - and I see that policy as kind of filling in the gaps for the registrars who don't take initiatives on their own.

Greg Aaron: I see, Rod and then Mikey?

Rod Rasmussen: I think you've gotten right to the crux of kind of the whole shooting match here to some extent. And a couple of points is that one, you know, (environments) versus (riding cover) as it were, I think that is an important distinction and I think could be carried all the way to the level of ICANN. ICANN can indemnify people but who's going to indemnify ICANN? The starting, you know, the realm of national governments but ICANN is an international organization so I'm not sure who they go to.

It all gets back down to who is going to take on the liability for taking action. I think another - the counterpoint to that which I think is also important is who takes on the liability for inaction.

So if you create policy or contracts around saying it's okay to do something and then you don't do it, and let's say it's a registrar saying to their resellers, you know, you need to look at this and take care of this problem or the registries, the registrar, etc. That comes along with the same territory as then who do you go to for inaction as just as much as for taking positive action and making a mistake, who do you go to for inaction and that being a mistake.

So I think that's an area that needs to be flushed out as part of this as well if we're going to be making any recommendations around this topic area of saying we need to provide kind of the indemnity or the requirements for at various levels. So that's my bit, sorry it's a little convoluted.

Greg Aaron: Mikey?

Mikey O'Connor: I think I'm agreeing with everybody that we're sort of at the nub of the issue and I am thinking that we might be well served with some sort of diagram of this that sort of shows the risk chain, both the positive and the negative risk the way that Rod just described it.

One of the voices that's not on this call but the ghost of (unintelligible) is speaking in my ear and of course there is the issue of, you know, and I think Rod is getting at that when you talk about who's liable for a mistake.

I think that if we can puzzle this last five minutes of conversation out well and address both sides of the risk chain that we will have created something pretty important in the history of ICANN. And so I would agree that this is probably the - one of the most important parts of our conversation.

And I do want to sort of lay down some foam under the uniformity of contracts team. We would certainly cheerfully probably take this on but we certainly weren't discussing this much, you know, we were on a much narrower mission when we did this report.

Greg Aaron: Yeah but what's interesting, it ties back into the big questions of you can have contracts that are uniform but what do they actually say. That's the question I think. Uniformity for the sake of uniformity actually isn't probably interesting or useful unless we have some idea of what we're shooting for with the purpose.

Mikey O'Connor: Well this is Mikey again. I wouldn't go quite that far because, you know, the point that we're making in this report is that absolute uniformity across all contracts is probably infeasible but some sort of baseline standard is not only feasible but also quite useful and that's what then opened the door into this broader discussion. You know, I wouldn't say that it's totally without interest but I think there's some more ground there.

Greg Aaron: Okay, all right. Berry, you had your hand raised?

Berry Cobb: Yeah so, you know, I guess I agree with everything that Mikey just said as well. You know, and I think this also touches on, you know, the boundary between what is policy versus execution which is really kind of the last recommendation and I'll get into that in just a second. But and this is just

Berry speaking on his behalf, nobody else or the team or anything, but personally to me, and I mentioned this on our last UFC call.

You know, if we could flip the light switch on tomorrow, just the minimum baseline as purely an example that's down in Appendix 5, I wouldn't - I don't see any harm at all of every or of the four main contracts and scope, why they all shouldn't have that kind of language and/or a sub policy that was created similar to PIR or .info but some existence of this minimum baseline across all contracts. It's very general, it's very high level as you know Greg but, you know, it gives a definition and it gives a statement about indemnification.

And then the other half of all of that, so if we flip the light switch on and then follow the contracts, then it's all about the execution behind it. And I'm not necessarily sure that if that language was in every contract tomorrow that necessarily everybody would still be executing to that if that made sense.

I guess I'll go ahead and just talk about Recommendation 4 and that's - and this is definitely out of the scope for UFC and anything along those lines. But it really kind of goes back to our third guiding principle is, you know, it's going to be a very long while -- and I'm guessing because I'm still new to all of this -- but before any kind of PDP goes on or any kind of (RSET) process or any formalized changes to agreements in reference to a minimum abuse baseline. It's going to be a while before any of that happens.

So the key phrase that I have there is, you know, let's not stop this from allowing us to get better. And, you know, ultimately is whether we make the recommendation about having uniformity of contracts or not is, you know, that last recommendation is all about disseminating the activities of what PIR and .info have done and somehow lighting a fire or motivating the rest of the industry to start doing it on their own. And so that's again the separation between policy and execution. So I'll stop there.

Greg Aaron: Yeah, I think your policy has to come first before any consideration of execution. And, you know, there are entities out there who say that abuse is not their problem because they're just, you know, a neutral provider of services or what have you.

The question that you can have a policy that allows them to do something but they won't do anything necessarily. That won't make anything better. So, I mean, it would be a step in the right direction to make sure that everyone is empowered to do something if they wish, that's one thing. The other question though before us is are you - what are you going to force people to do. So I think they're two related but also separable questions. I think execution comes after policy.

Berry Cobb: Well but yeah and I do totally agree with that. I guess, you know, what is it that motivated PIR and affiliates to move forward and not wait for formal policy? They created their own one way or another and then they started executing against it. And so I just - any responsible market participant should be doing the same in my mind personally. I mean, that's just the nature of it.

So I'll get off my soapbox. Let me cover Recommendation 3 and then there's a couple more high level points and then I'll turn the floor back over. Recommendation 3 is also out of scope for UFC but I felt it was important to list here to bring to the larger working group and we can talk about it and, you know, then I'll do whatever we need to in terms of the report.

Recommendation 3 is in terms of all my analysis that we've done in terms of, you know, dispersion of contracts, etc., I've yet to come across a uniform and consistent method in which abuse gets reported. And it seems to be kind of all over the map unless there is something lurking out there that I haven't found.

But in general the recommendation is that, you know, there needs to be an upfront uniform way in which any market participant can report a particular

abuse and then somehow the parties involved at the registry, registrar level and ICANN for that matter are somehow communicated to.

Basically the general premise here is - the recommendation is that there doesn't seem to be any uniform method that exists out there today and the question on the table is this something that we should try to move forward with.

You know, we have the input of complaints through the ICANN process, then we have what I think is called the - yeah, the IC3 which is a joint task force between the FBI and some other department where abuses can be communicated to there. But I haven't - or you can go directly to your own registrar if you wanted and try to submit an abuse there. But I haven't seen or heard or come across anything that streamlines it across the entire chain and that was the intent of that recommendation.

Okay, so a couple more quick points and then I'll turn the floor over. Page 11 is a kind of a - it's just basically a page of questions that we still need to answer that the team hasn't gotten to. We've kind of covered most of them one way or another, we just need to flush out just some of the final answers that could maybe influence any of our other recommendations. But that sheet will come out once we move this into a final version.

Lastly is just the appendices. There's five appendices. The first two cover the RA and the RRA and ICANN's staff did a good job of pointing to the dispersion in those agreement categories within the issues report so instead of pulling it into this report I just linked to it.

The third appendix covers the RAA and as everybody knows that's kind of a template so there really isn't dispersion there but there is a lack of abuse language in comparison to what maybe an APB might look like. And combined with the fact that, you know, there is an RAA working group and they have signaled that they recognize that there are some pretty large gaps

relative to abuse and malicious conduct and that's something that they're working on.

Appendix 4 is the dispersion research for the actual registration agreements which we reviewed on this call earlier. And it just has some hopefully some other screenshots that help refine or scope into how we came up with what we came up with and then Appendix 5 is just kind of what an APB example is, all of which, you know, are from other sources.

The definition of abuse comes out of our working group. The specific listings of abuse were pulled from the .info anti-abuse policy and then the indemnification again which I think both .info and .org had in their contracts.

So again, this was just an example and not meant to necessarily influence what any future PDP would create a baseline with. So that's the gist of the report. I do invite everybody to rip it apart, send me comments or questions, and we'll make it better to include into the master report. Thank you.

Greg Aaron: Okay thank you Berry. Does anybody else have any questions for Berry? Okay so Berry, my thought is to put this document out for comment to the wider group. We'll eventually have to work through the recommendations and hear everybody's comments but we might as well start doing that now. If anybody has any they would like to share on the list. Would you be able to post a mark-up possible version to the list? We've got a PDF right now but maybe a Word or RTF that people could mark up or comment on if they like?

What I suggest is people get a chance to comment on it, ask questions, mark it up, and then at some point we'll take a version of that and we'll incorporate it into Marika's master document that she is eventually going to be putting together, basically cut and paste into her master. Does that sound okay?

Berry Cobb: We'll do that, I'll get that marked up version posted here in a few minutes.

Greg Aaron: Okay, if you - are you going to send Word do you think?

Berry Cobb: Yeah I'll make sure it's in Word.

Greg Aaron: Awesome, okay thank you. Okay thank you very much guys for your work on this. I think it's helped us distill some really interesting questions in this call that we'll need to continue to discuss. It's also extremely helpful to have the meat here on paper so thank you very much for your hard work and the extra meetings that you sat in on to produce this work. Thanks very much.

Mikey O'Connor: This is Mikey, I need to reiterate our kudos for Berry. Berry is the reason this is such a spectacular piece of work.

Greg Aaron: Okay we can go to cybersquatting next so who wants to take the lead on that one?

Man: Greg is there anyone but me from that team on the phone?

Greg Aaron: Unless Faisal is on.

Berry Cobb: Hey, okay, I was just listening to - hi Faisal. Yeah I'll go ahead and start it off and then Faisal if you want to jump in and, you know, take it from there. But essentially Greg there has been very little change since our last meeting. We had boiled down some definitional work as well as recommendations that, you know, we had consensus on the working group.

                What you had asked for at the end of last meeting was a background of the issue and our work and what we were able to arrive at and then post those items to the Wiki which I was a little delinquent in doing but I did get that done - well Marika helped me get that done this weekend.

                So listed up here I think you'll recognize that the definitional work and the recommendations down there are repeats from our previous call. What is new

however is just the introductory sentences there on the background. So three bullet points, first one is that we are - why we targeted cybersquatting, how we defined cybersquatting, and then some of the challenges that were encountered in balancing all of the interests in that.

Greg Aaron: Okay thank you.

Man: So for the most part it is more of a refresh and a reposting of the material from our last call.

Greg Aaron: Okay, all right. And then you have it looks like three recommendations.

Man: That's correct, three recommendations. One, and if you'd like I can go through them now but we did kind of touch on them last time around. But the first recommendation was that, you know, what this conversation uncovered was that there are a lot of issues, concerns, shortcomings, failings, or perceived problems with the UDRP as a process.

        And rather than trying to comprehensively enumerate all of those and address them in this sub working group of this pre-PDP, we decided that a single umbrella recommendation would be that there should be a subsequent PDP to take a look at the UDRP, how it's functioning, you know, what its uses are, is it effective as anticybersquatting mechanism as well as something that is used to resolve legitimate claims disputing but legitimate claims, and what can be done to update, refresh, and improve the UDRPS process.

Man: I have a question, so the first recommendation reads as follows. If the UDRP requires revision to make it more effective, as an anticybersquatting mechanism it should be revised as part of a subsequent PDP to update the policy. So the recommendation would be to the council to discuss whether the UDRP requires revision?

Man: The recommendation would be I think what's going through the normal process would be first to, you know, kick it off with an issues report, correct? To understand and to gather information from the community on their perception of the UDRP and its efficacy as both a dispute resolution system as well as an anticybersquatting tool or an anti-abuse tool.

And then to collect all of the issues that were uncovered on all of the open wounds that we ran into when discussing this issue and see if we can get those all in a clearinghouse type of a document where they can be examined by council and determined whether or not and a PDP should be undertaken and what it should look like.

Faisal Shah: Yeah this is Faisal. I also kind of alongside that, I think that one of the things that, you know, at least what we're seeing and hearing is that the UDRP really isn't an effective tool. So, I mean, assuming that there is a finding that it is not an effective tool anymore, you don't think - at least I don't believe that the fast track which is more of a procedural mechanism may be the only thing that needs to be done.

I think we probably need to look more at the content and the actual rules behind the UDRP to see whether we can make it more effective than as an anticybersquatting mechanism. So maybe there's more work that needs to be done there. And I think what we were trying to do here is say look, we're not going to make the leap that it is, it needs to be a more effective tool but there seems to be a lot of chatter that there needs to be some revision to UDRP.

So assuming that we think we should take a look at UDRP to see whether or not you could do more than just the fast track, maybe there should be more effort looking at the actual rules themselves, the policies themselves behind the UDRP to see whether it can be updated.

Man: Yeah and Faisal that's, you know, very well said. I think, you know, the short answer Greg is that it was very, very difficult to tease out cybersquatting

issues without it turning into a discussion of all the issues surrounding UDRP. Trying to extract that - extract and isolate that subject and then move on in the absence of UDRP issues.

Greg Aaron: Right, so and you mentioned the issues report which is one of the tools that the council uses to understand the various facets of the issue and decide what they want to do if anything. Should our recommendation be that an issues report be written?

((Crosstalk))

Man: My understanding was that the issues report was a requirement - a first test or a first checkpoint of the PDP process and that in order to better inform the council decision on whether a PDP should take place and if so what its charter should look like. You know, yes we're recommending that a PDP should be initiated and the first step in that I guess would be an issues report to determine whether - how, you know, whether that PDP goes forward.

And I guess I'm leading that question by saying I think we all understand the answer to the - leaving the door open for the possibility that somewhere along the line it's going to fail to meet the council's (unintelligible).

Man: I forget actually, we would need to look into it or maybe Marika, maybe you can answer this and Margie. You - can - you have an issues report first and then a PDP starts or can you only get an issues report after the council's decided to have a PDP?

Marika Konings: This is Marika. There is a bit of confusion over terminology like the initiation of a PDP happens after the issues report. Sometimes a request of the issues report is, you know, you can consider it part of the overall process, all the policy development process but the actual decision on initiation happens after the issues report is delivered. And what triggers the issue report is just a

request for an issues report by one of the constituencies or stakeholder groups and, you know, that's done a positive vote.

But the only thing that's required for an issues report, it doesn't require initiation of a PDP but if you look at the overall structure, it's a necessary step in, you know, further down the road that the formal initiation of the PDP.

Man: Greg if I'm jumping ahead to Step 2 by saying PDP then let's just change it to calling for an issues report.

Greg Aaron: Well that would allow people to get that report out which would list all these issues that have been kind of burbling up in the community.

Man: And just as an aside - as a side thought, you know, requesting an issues report on such a narrowly defined topic such as UDRP reform could probably - I don't want to go too far ahead here but possibly even come in parallel with the work of the RAP.

Greg Aaron: I don't know. Okay, all right. Well if - I'm looking at the recommendations. Maybe we should think about the wording of those. If our group wants to recommend that there be an issues report to get at specific things, I mean, what we're saying is there are some questions about UDRP's current effectiveness as an anticybersquatting mechanism. It also ties into various discussions of rights protection mechanisms which is your second recommendation bullet.

Those are kind of all tied together in a lot of ways because some people are proposing well let's - UDRP doesn't work anymore or it doesn't work in certain cases. Let's have an alternate to the UDRP to deal with those.

Faisal Shah: Hey Greg this is Faisal. I'm not sure that - I think - I don't think - maybe I'm missing something but I don't think there has been any chatter about UDRP being substituted by the rights protection mechanisms. I think it's more it

comes alongside it, right? It's the UDRP plus the rights protection mechanisms to enhance, you know, the effectiveness of UDRP but not a substitution.

Greg Aaron: Well it's - there have been I guess a number of different variations proposed. The IRT basically said look, UDRP is too slow in cases of blatant cybersquatting. Let's have something instead of it for those cases, right? Is that basically what the IRT said?

Faisal Shah: Right. So I think IRT was saying that there - right so what the IRT was - I guess, you know, you take URS for example, they're looking at it like, you know, there are certain situations where we need to wrap a takedown, right, so let's look at the mechanism to do that because UDRP doesn't do that right now. But that doesn't mean that it's - that doesn't mean the UDRP is being substituted.

All I'm saying is I think it's just trying to enhance the effectiveness of UDRP and maybe with - maybe if they were to go back and take a look at the UDRP that potentially you could come up with certain mechanisms within UDRP itself that could - who knows, I mean, you know, make it more effective, maybe even (unintelligible). Does that make sense?

Greg Aaron: Well I don't know. I mean, you said there are certain - is there people who need rapid suspension. But that's a need that until now people have, I mean, people - when people had a property dispute about a name they used UDRP. URS is basically a parallel or separate process at least for certain kinds of names. There are a lot of perceptions and there are a lot of different plans out there I guess.

Faisal Shah: Well I guess we won't know, we won't know really how it works, right, until it actually happens.

Greg Aaron: Yeah so okay. Well anyway, should - my question is should we work on the wording of the recommendations? It sounds like we want to - folks want to recommend that there be an issues report on the kind of the current state of the UDRP. Is that what you want?

Faisal Shah: Well I guess - this is Faisal again. I guess the question is do we want the issues report or do we want to back that issues report straight into the PDP, right? Is that the question?

Greg Aaron: Well no, I know.

James Bladel: Hey and this is James. I believe that, you know, by saying PDP I presume that the issues report was the launch pad if you will for getting that PDP going. So if you'd rather say issues report Greg I'm fine with that.

Greg Aaron: It sounds like Marika said you have to have an issues report before you start a PDP.

Marika Konings: This is Marika and that's correct. Of course if there is a lot of information available it means that an issues report can be very quickly delivered and in very short timelines for that anyway. But, you know, the formal step and the current process and, you know, (unintelligible) we are looking at reviewing the whole process in another working group and that the issues report is a first required step in launching a PDP.

Man: I guess the answer then would be yes, right?

Man: Yeah, I mean, I think in this - for the purposes of this recommendation saying that we want to initiate a PDP or we want to initiate an issues report, I understand there is a distinction in the terminology but I think the intention is the same.

Greg Aaron: Yeah, well it's up to the - let's see, well either way it's up to the council to decide whether or not they want either one of them, right?

Mikey O'Connor: Well this is Mikey. I think that one of the nice things about recommending an issues report is it gives the council a little more freedom to choose the course. We recommend a PDP we - then they have to vote up both an issues report and the subsequent PDP process whereas an issues report could just end at that point.

And gather - one of the points that James made earlier in the conversation is that one very helpful thing that an issues report would do is just become the clearinghouse for all of the issues that surround the UDRP. And perhaps simply having that clearinghouse is enough to get to the next stage of the conversation without having to launch a formal PDP. So I think I support the idea of our report recommendation an issues report rather than a PDP.

Marika Konings: This is Marika, if I can just correct one of the statements. An issues report automatically triggers a vote on the initiation of a PDP. Of course a vote might say no or there might be some recommendations in the issues report that say well maybe it's not timing, maybe you should refer some other work like for example what happened with the (unintelligible) abuse policies issues report. But in principle an issues report always triggers the vote whether to initiate the PDP or not.

Mikey O'Connor: So maybe it's essentially no difference.

Man: Yeah Mikey, exactly. I mean, I think at this point what we're saying is that, you know, to capture the intention of this recommendation is - that we could certainly reword it to say initiating an issues report. And I don't mean to presume to speak for Faisal on this one but it just seems like that's what we were getting at and there's a cleaner way to say that so that we don't presume any or skip any steps then that's fine.

Mikey O'Connor: This is Mikey again. You know, I think that the nub of this is that we are pointing at the UDRP and saying there are puzzles in there that need some hard work to solve and we think it's a good idea to start that work.

Man: Right.

Greg Aaron: Right, as somebody said we need a summary of all the issues which because there are a lot of questions that have come up about the UDRP.

Mikey O'Connor: This is Mikey again. I think that maybe what James was getting at is that they uncovered a lot of questions but that there are even more questions out there that need to get discovered and that would be a big piece of what was discovered.

James Bladel: Yeah Mikey that's a good point, this is James speaking. I think that we found that there were so many issues that touched on or were central to some sort of review of the UDRP when we discussed this topic that, you know, kind of made us nervous of what were we not seeing, what types of constituencies or stakeholders were out there that had perhaps other issues that weren't on the sub team or on the ARP group or maybe aren't vocal within the community as well.

But, you know, by getting this some greater exposure maybe, you know, we can kind of shake the trees a little bit and get some more of those, you know, more comprehensive picture of what's going on with UDRP.

Mikey O'Connor: So this is Mikey again. You know, one way to approach this is to use my oft repeated cop-out example and make a list of the issues that you all uncovered a part of the recommendation but put a caveat in front of it that says this is by no means comprehensive.

Man: Yeah or that can go in the background section. That's a good thing to go in a background section saying, you know, we understand there are a bunch of

issues including the following which, you know, may need some - a lot of further discussion.

Man: Yeah, same sort of thing.

Mikey O'Connor: So what I'm hearing from Greg is for a person reading this report it's useful to have a list right there just to get their mind thinking about it rather than leaving the list out. In fact Faisal and James would that cause you guys great heartburn to add such a list?

James Bladel: Well Mikey this is James. I don't want to sound like, you know, a negative person here but, you know, please recall that this is the third reconstitution of the cybersquatting subgroup. So going back and picking up that trail of breadcrumbs, you know, there's value to it, absolutely. I just don't know how quickly or practically that can be accomplished. So I just wanted to put that out there.

Certainly Faisal and (Martin) and I can probably put together the things that happened or were discussed most recently in this most iteration but, you know, the further back we go the more likely we are to miss something.

Mikey O'Connor: This is Mikey. You know, I don't think this needs to be anything more than the two of you or the three of you just exchanging, you know, quickly recount the list of issues as an example and then be done. I understand how hard it is to go back through three layers of a subgroup.

Greg Aaron: This is Greg. One of the ideas here is if we're going to recommend that the council do a certain thing, in the background we need to say why that is, you know, giving us substance to kind of substantiate the recommendation. And it might not be very difficult. We could probably pretty quickly name several things about the UDRP that have come up in the community.

You know, people have said it's - in certain cases it's too costly or it's too slow. There are - questions have come up, you know, one of the issues of bad faith is use but we also have decisions where there has been no use so, you know, what does that mean.

You can probably just come up with a few things to say here are some examples of why the whole thing needs to be revisited and we need a hard look at it just to give the council something to go on, substantiate the recommendation.

Man: You know, maybe what we could do is we just let the editing of the final draft of our report flush out a list. If you and Faisal could just get it started but, you know, not try and come to any agreement, just write a few bullets, capture the ones that Greg just did and then as we get to final editing on the report we can add a few more and hash that out and call her done.

Faisal Shah: This is Faisal. I think we can do that.

((Crosstalk))

Greg Aaron: So that's our action between now and the next meeting which is to tweak that language on the Wiki.

Faisal Shah: I've got some time on Thanksgiving Day, do you James?

James Bladel: Yes by the way I looked at my calendar and I don't think anybody has scheduled any meetings for that day so...

Greg Aaron: Well and, you know, unfortunately we've got a lot of Americans on this call.

Faisal Shah: We're going to have to get (unintelligible) back again.

Greg Aaron: He was Canadian, they've already had their Thanksgiving.

((Crosstalk))

Man: You might want to do some work during that time.

Greg Aaron: Before we go on - okay well anyway that's an action item. We'll work on the language. I think maybe the background section has always been designated as a place to provide that background and substantiate what follows which would be a recommendation or recommendations.

Man: Right.

Greg Aaron: Let's work on that then and we can move on. Any last thoughts on the cybersquatting? We've got an action item. Okay if not...

Faisal Shah: Greg this is Faisal. The only thing I would say is there's a few other recommendations on the Wiki itself such as sending, you know, names to search engines and whatnot. How do you want those integrated? Do you want those issues or I guess I'm kind of throwing it out there.

Man: You know Faisal I was looking at that too and that's a good question. One thought I had was, you know, when we're talking about building out this list of - this non-comprehensive, non-exhaustive list of things that should be looked at and discussed I think it's, you know, possibly - those - if they don't have any tie-in to the UDRP then I guess they would have to go somewhere else.

Faisal Shah: Yeah, okay.

Man: I mean - go ahead.

Greg Aaron: You're referring to the bit that said work with search engines and strict pay per click and stuff?

Man: I think that's what Faisal was mentioning as well, yeah. You know, if it doesn't fit cleanly into one of the existing recommendations then maybe it warrants a forward.

Greg Aaron: It may also be outside of kind of ICANN's scope which is messing with search engines, display the people. I think that's outside scope of ICANN totally.

Man: Well it's outside scope of policy but it's certainly other recommendations like just, you know, becoming more familiar and coordinating and communicating a little bit better, you know.

Greg Aaron: Okay so anything else on cybersquatting?

Berry Cobb: This is Berry, just a quick question. With the discussion for the difference between an issues report versus a PDP, should I restructure the uniformity recommendations in that regard as well? Should we still be requesting a PDP or an issues report? And if so I'll change it.

Marika Konings: And this is Marika. I'm happy as well to streamline that in, you know, the final document so, you know, all the recommendations talk about the same thing whether that's, you know, requesting an issues report or initiating a PDP so we have standard language. So we can do it that way as well.

Berry Cobb: Great, thank you.

Greg Aaron: Thanks Marika. Okay so anyway we have about 20 minutes left. We need to see if we can start knocking off some of these last topics that were raised so we can, you know, either flush them out or just dispose of them. One of the abuse topics was pay per click and I don't recall offhand who proposed that many, many months ago. Does anybody recall?

Mikey O'Connor: This is Mikey. I think that one came in our charter.

Greg Aaron: Did it?

Mikey O'Connor: Yeah, wasn't there some - I'm forgetting the name of the document that it was on our doorstep when we first began the working group. And as I recall a bunch of us sort of scratched our heads and said I don't know how that got there but (unintelligible).

Greg Aaron: Yeah it wasn't in the charter but somebody had brought it up during the early brainstorming sessions and it ended up on our list of abuse categories. Let me read you what we have on it. It is the use of a trademark in a domain name to draw traffic to a site impending placement advertisement. So that strikes me as an intellectual property or cybersquatting topic.

Mikey O'Connor: The way I hear that - this is Mikey. The way I hear that sentence is the big problem that they're doing is the trademark in the domain name, not (unintelligible).

Greg Aaron: Yeah so it isn't - is that a cybersquatting issue?

Mikey O'Connor: Yeah.

James Bladel: Hey Greg this is James. I'm sorry Mikey. Yeah I noticed that as well and, you know, and I apologize to Faisal because I was just under the gun to get something before the call. But over the weekend I looked into our first background as just kind of a description of how pay per click is used to profit from the brand infringement activity, the cybersquatting. So, you know, kind of unilaterally lump that in with the cybersquatting abuse which probably should have done that on a more consultative basis.

Greg Aaron: Well that's okay. And it probably should be said just for the record that some pay per click is not associated with cybersquatting or brand infringement at all. The normal mechanism for gathering traffic and sending it on and getting revenue out of a pay per click model. But it sounds like the issue that was a

concern is people using other people's brands or trademarks to attract traffic and that to me seems like a cybersquatting issue. Does everybody agree with that?

Mikey O'Connor: This is Mikey. I certainly agree with that.

Rod Rasmussen: This is Rod. I agree certainly. I mean, if we're going to classify pay per click as an abuse category then Google may have a major problem.

Man: There are a lot of people who might.

Greg Aaron: Okay, I tell you what. It sounds like it's a cybersquatting issue. I can write - I'll volunteer to write up a paragraph about what we actually meant by that. But it sounds like it's a cybersquatting, it's just a sub species of the cybersquatting problem.

Man: Yeah I think so.

Greg Aaron: And I would propose that we kind of just move on.

Man: Yeah.

Greg Aaron: Okay, all right, 419 and other kinds of scams. Okay, the 419 scam is your classic (grift), the example being those Nigerian officials who need you to help them facilitate a money transfer. We all get those via mail, email. So those are various kinds of scams. They are usually advertised via email. But what is the real question. It's a - is it a spam problem or is it a malicious use of a domain name for landing page? What's the real issue here?

Mikey O'Connor: This is Mikey. There is an interesting article today in the news that Google has just changed its policy from taking down specific pay per click ads for scam sites and moving over to taking down the advertiser. That's kind of in a way relevant to this.

I think the issue in this one is to what extent the domain name is involved. In a way this is similar to the conversation we just had about brand abuse but Rod, you're the one that I would turn to on this one. Would it be useful to have ICANN involved in these kinds of issues or not? And if so, how?

Rod Rasmussen: Well the 419 (unintelligible) fraud stuff is getting trickier and trickier to deal with. There's two primary abuse elements that can touch on the domain name space and ICANN world. One is Greg mentioned the mail side. That can create - use a lookalike type email or some sort of convincing email domain, let's say banksecurity.info to pick on Info for a second as my - or a branded one like barclaysplcupdate -- I saw one just like that the other day -- as my email address domain.

Then the other part of it is typically, this is where it's getting more and more sophisticated these days, are the basically the fake business Websites where I am - I set up a Website to give myself legitimacy and I can refer people who I am emailing or calling or what have you to my Website and say well take a look, here is, you know, this can go for (unintelligible) as well which I'm not sure - I think that might be one of the other categories. It was very similar.

I've got basically this fake business that's set up on the Web and I am supporting my - basically my con, the victims, by providing this Website and it has all this beautiful information about my wonderful company, how big it is, and it has, you know, fancy graphics and flash and all kinds of cool stuff. There are some of those sites are far better than a lot of the, you know, Fortune 500 commercial sites as far as just kind of the impression you get when you first go there.

So but I'm registering a domain name in order to support that kind of activity. So there's, you know, it touches on the space and it's very difficult to get some of these down because they look legitimate. And it's, you know, you've

got to go through a long investigatory process to prove that they're not who they say they are. And then what do you do?

Now I would argue that is largely a use issue rather than a registration issue because you don't know where they are typically until some of these scams go out. So that's one part of this. I think there's a lack of policy around this area because it does change so much but the question is would this group touch it.

Then the other part of this I would say that could touch what we have been talking about is analogous to what we've been talking about with the phishing side which is some of these guys use the same exact setups all the time for their scams.

So if I am, you know, I've got my fake company set up I will come and use the same exact Internet infrastructure to register a new domain. So I could at that point, I'm sure some of the registrars out there are doing this, is looking for these kind of criminal setups that they already know about and saying okay well you're coming in here trying to set up yet another fake business site. I'm not going to let you do that. So that's where you could actually address this at the registration level. But for the most part I think this is a use issue.

Greg Aaron: And this is Greg. In some ways this kind of activity bears some resemblance for me with phishing. You know, basically phishing and 419 scams or advance fee scams are attempts to defraud people or steal their money. Both are advertised via spam. And then you have to determine the legitimacy or illegitimacy of the entity somehow.

And I agree with Rod that it's kind of - it's not so much a registration issue as a - you find out about these things afterwards, after they have gone out. Sometimes the domain names they use are fairly random or indistinguishable from, you know, any other kind of registration. I've seen more than a few myself. So James I see your hand raised.

James Bladel: Yeah, thanks Greg. And just quickly, I do agree with Rod and yourself when you're saying this is much more a use issue than a registration issue. And in general the type of or this category of abuses is - well the one that makes me feel the most uneasy is discussing it, you know, in the venue of an ICANN policy context.

Because I think that, you know, for those of us old enough to remember that before they were doing this particular type of confidence game via email it was being done over fax. And prior to that it was coming in mimeographs or Xerox pages that were either sent by postal mail or tacked up on bulletin boards.

So I just - I really think we're starting to get outside of an area that, you know, if we had a policy it would just fix this problem. I think we're starting to touch on issues that are bigger than the domain name registration system and that just makes me a little uncomfortable about including it in our category - in our catalog of issues.

Greg Aaron: Mikey? Thank you James.

Mikey O'Connor: This is Mikey. I guess the thing that intrigues me about - I agree James with everything you said. The thing that intrigues me about the registration side of this is suppose that there is a bad actor, we'll go back to Rod's gang that has this totally cool Website that looks like a business. And suppose that there were a way to identify repeat offenders, people who over and over and over and over again just register domain names like crazy to perpetrate these scams.

Would it be useful to registries and registrars -- and this is not a rhetorical question, this is a question for you guys that are. Would it be useful to have a mechanism to once they have been identified by magic, I'm not going to get into that at all. But presuming that they could be identified, would it be useful

from a policy standpoint to provide the same sort of air cover and indemnification, etc., etc. that we've been talking about in other cases for you all to prevent repeat offenders from registering any more domains?

And then the question to Rod is if that all transpired would that actually be effective in doing anything about that?

Greg Aaron: This is Greg. I think what you're suggesting is do you treat these within that umbrella of malicious uses of domain names. In other words do you use similar techniques or policies that you use to deal with, you know, malware, phishing, or what have you. Is that kind of where you're going?

Mikey O'Connor: It's partly that and it's taking it one step further and essentially asking the question up until now we've just talked about single domain name and a single actor and each time you'd have to go through that process.

The thing that came up this morning in this article about Google's change in policy is they are stepping through the (unintelligible) to an actor that's a repeat offender and they're identifying those actors and they are nipping them off rather than trying to take down the individual, in this case pay per click ads.

Greg Aaron: What you're pointing to Mikey is a situation that comes up in my work for example where you've got somebody doing something which is undesirable. And it could be this or it could be malware or whatever, but a malicious activity and the question is what do you do when they keep doing it.

Do you deal with it on a domain basis or do you suspend their whole portfolio of domain names if it looks like they're just going to keep doing it with new domains or, you know, what do you do to keep them away?

And these are questions - these are really interesting kind of policy and operational questions that come up in dealing with really bad people

basically. So I think this is a sub species of a larger issue which is what do you do with malicious uses of domain names and the people who are perpetrating them, how do you deal with them.

Mikey O'Connor: Yeah I think that's right. and from my perspective I am - I don't have at least at this stage real strong opinions one way or the other, but I think that it would be a useful - I agree that 419 scams as an abuse category, I agree with your assessment Greg that this is a subset of malicious abuse and it could get rolled up into that and that we could write a paragraph on the table that way.

And I don't necessarily think that my notion of what to do about repeat offenders goes in that paragraph, that's a broader thing that we might want to step back and add to our list of topics.

Greg Aaron: Okay.

Man: I'd like to add a point or two here. These cases are really hard to deal with at the registrar level not from a registrar like Go Daddy but more from a registrar that's somewhere else in the world. Now of course it's mainly again a use issue but there's really a lack of any sort of policy written around these types of abuses make it very difficult to get some, you know, players in the market to take any sorts of actions.

Just creating some sort of language that incorporates these different, you know, I won't call them oddball abuses but, you know, non-obvious abuses that are - can be very harmful would be helpful in providing some direction.

I think the other part, and Mikey was dead on I think with this analysis there, is that we've got this kind of theories of abuses. And we've been talking about it in the phishing context and the malware context, there's a series of abuses that really comes down to from a registration perspective the only thing you can really talk about are going after the repeat offenders and the people with

particular criminal infrastructure that's identifiable. We've had that discussion quite a bit but I think it applies to almost all of these.

And Mikey asked the question a few minutes ago, will that make a difference if we actually can do something about it. And, you know, yes and no would be the answer I think.

We've already seen a lot of, you know, the latest report that Greg and I put out about use of TLDs. There were more malicious sub domain registrations than there were domain registrations. That's, you know, an area I completely would say or almost completely out of ICANN's (unintelligible) in the sub domain space.

But I also think it's important that we create the precedent and infrastructure policy, etc. around dealing with this kind of thing so that wherever these bad guys go to we have a good solid example, you know, assuming we could kick them out of domain names which would be a nice thing to do.

But we have, you know, a good example to point to when we're dealing with other types of organizations and other types of industries that will be affected by the pushing of bad guys out of one field.

And I also think that, you know, the current domain registration field, it's about the easiest way to get Internet presence set up. Some of these other ones, you have to go through maybe a couple other hoops. So making it - raising the bar on bad guys is always good.

Greg Aaron: Okay. You know what, we've come to the end of the hour and a half. We got through a couple of issues there. I'm thinking we need to roll up 419 within a broader category of malicious uses of domains because they share a lot of characteristics and problems at the policy level.

James Bladel: Greg this is James.

Greg Aaron: Oh I'm sorry James, go ahead.

James Bladel: Yeah just very quickly I was curious if Greg or Rod if you could just clarify what you meant when you said it would be difficult for registrars except for Go Daddy.

Man: It's just because you're big, that's all.

Rod Rasmussen: Well no no.

Man: I was going to ask to amplify that too.

Man: Well we like our resources and our folks to be working on things as well and not tied up with, you know, (unintelligible) Internet.

Rod Rasmussen: Yeah no and I don't think that's quite what I said.

Man: Yeah that's why I was asking, you know, if you could clarify.

Rod Rasmussen: You know, from dealing with - because we identify as a first responder or what have you, we identify this abuse. A registrar like Go Daddy, once we've reported the abuse, it's usually a problem to get taken care of.

                 It's other registrars out there that don't have the experience, resources, whatever you want to call it, goodwill towards their fellow men. That's the - those are the ones that are difficult to deal with. I was just - I was actually praising Go Daddy for being good at dealing with these kinds of issues quickly and efficiently.

James Bladel: Okay thank you, I just wanted to know that we were being singled out. I just wanted to make sure that, you know, it was a positive example.

Rod Rasmussen: Absolutely positive.

Man: That's the way I took it.

Mikey O'Connor: This is Mikey. I'd like to add one dimension to that and that is that another reason why I thought that Rod mentioned Go Daddy is because Go Daddy sees a lot of, you know, a pretty significant proportion of the total domains registered in any given field.

And one of the other difficulties that a smaller registrar is going to have is it's going to be much harder for them to identify a repeat offender because they're not going to see the breadth of the TLDs that a big registrar like Network Solutions or Go Daddy will. And that means that the issue in many cases either has to be dealt with at the registry where they can see the whole space or there has to be some mechanism for registrars to communicate between themselves about that.

Man: That's more of a question of perspectives at that point.

Greg Aaron: In our next meeting I'll tell you an interesting story about that.

Man: Oh boy.

Greg Aaron: So remind me about that Mikey. I have a good story for you. We've come to the end of our meeting unfortunately but we got a lot done today. I'm very encouraged. Next time we'll pick up with traffic diversion and so forth.

The next question though is when should we have our next meeting. I have a few of you that responded to the Doodle. Myself, Berry, Rod, and Mikey have at least. If you haven't responded to the Doodle please do so and I'll send a reminder out to the mailing list.

But it looked like so far the best option for next week would be Monday at the same time. In the afternoon wasn't quite so good. I know I couldn't make it at 2:30 Eastern and then Wednesday wasn't quite so good either.

So I'm going to propose that we have - to the list that we do have the meeting next Monday at the same time and unless there is significant problems with that I think that you should probably count on it. And then we're going to try to - during the next meeting we're going to try to lock in the rest of the meeting times using those Doodle results for now through January.

So this is a good meeting, thanks guys. We'll continue to work offline on the Wikis, on the contracts and cybersquatting. But I think we got into some really meaty stuff today. Very much appreciated, great discussion. So any closing thoughts? Okay for those in the U.S. have a wonderful thanksgiving.

Man: Same to you Greg.

Greg Aaron: Thank you. And enjoy and we'll talk again very soon.

Man: Okay, thanks Greg.

Man: Thanks guys, take care.

Man: Bye.

Woman: Bye.

Man: Goodbye everyone.

Greg Aaron: Bye-bye.

                            END