

ICANN

**Moderator: Michele Neylon
October 29, 2012
8:00 am CT**

Coordinator: Okay please behave; the recording is ready for you.

Michele Neylon: There is plenty of space up at the table if anybody would like to come close to the table. Although Volker may look like he bites we've been assured he doesn't.

There is plenty of space up at the table if anybody wants to come up and sit there. Could we have you get the recording started please?

((Crosstalk))

Coordinator: The recording is ready; please go ahead. Thank you.

Coordinator: The time is 9:10 am and we're doing the Locking of a Domain Session. You may begin.

Michele Neylon: Good morning everybody. Welcome to the UDRP...

((Crosstalk))

Michele Neylon: Oh hell. The UDRP Lock Working Group...

((Crosstalk))

Michele Neylon: Yeah, yeah.

Man: Please ensure that you're - if you're connected to Skype that your microphones aren't open.

Michele Neylon: Try that again since we're getting plenty of interesting audio feedback. Good morning everybody. Welcome to the UDRP Lock Working Group. I'm Michele Neylon, the working group Chair. Sitting beside me is Alan Greenberg, the Co Chair. We're going to do a quick round the room just to see who's here.

We have members of the working group and hopefully non-members of the - people who aren't members of the working group who are going to participate actively in this wonderful session that we're holding at 9:00 am local time here in Toronto the morning after the - a wonderful gala held by CIRA so we're all a little bit foggy this morning I think.

Let's see then there are spaces up at the table if you would like to move up close to the table. We will not bite. The format of this session is to try and make it a little bit interactive so what we have done is broken out our charter questions a little bit into kind of positions and points and matters of contention, topics of contention.

And various people within the working group have - are going to defend these positions. This does not mean that they agree with the positions or not but is just to get some discussion going.

So let's go around the room now and just do a quick introduction starting down the - my far right, Bennie, just introduce yourself very quickly.

Benny Samuelson: Benny from Nordreg, Registrar.

Luc Seufer: Luc Seufer from EuroDNS, Registrar.

John Berryhill: John Berryhill and I think in this capacity just independent attorney.

Michele Neylon: You can say super-duper attorney or something if you want.

John Berryhill: Yeah.

Dan Halloran: Dan Halloran from ICANN staff.

Mike Zupke: Mike Zupke, ICANN staff.

Alan Greenberg: Alan Greenberg, At Large liaison to the GNSO.

Michele Neylon: Michele Neylon, Blacknight, Registrar.

Marika Konings: Marika Konings, ICANN staff and I would just mention as well that on the line we have the following working group members; Matt Schneller, Laurie Anderson and Randy Ferguson.

Margie Milam: Margie Milam, ICANN staff.

Kristine Dorrain: Kristine Dorrain, National Arbitration Forum, UDRP Provider.

Celia Lerman: Celia Lerman, member of the CC.

Volker Greimann: Volker Greimann, Key-Systems, Registrar.

Pam Little: Pam Little, ICANN staff from the Contractual Compliance Department.

(Jill Fitzer): (Jill Fitzer) from GoDaddy.

Michele Neylon: Okay thanks everyone. I see people standing around, sitting down in the back; you can move closer to the table. Honestly there is plenty of space. We won't bite.

Would you please turn off the microphones on your computers as this is causing interference with the recording and the remote participation.

Man: Where's that noise coming from?

((Crosstalk))

Michele Neylon: Is there anybody from the audio down there?

((Crosstalk))

Michele Neylon: We get the technical support - audio technical support in the room. Could you - there's problems with some of the mics up here.

((Crosstalk))

Man: Go ahead and give that a try.

Michele Neylon: Okay sorry about that but we seem to have had an audio issue. Did you send something to us? Okay. All right we're moving on again.

So as I said in the introduction we're going to be - various members of the working group will be defending certain positions and of course as previously stated these may not be their own positions; they were positions they've been given or chosen.

So the first part of this is Topic A from our charter. When should the lock be applied? We're talking about UDRP here so the UDRP lock; when should the lock be applied? So for Proposition A - is Matt here?

Matt Schneller: I'm on the phone.

Michele Neylon: So go ahead, Matt.

Matt Schneller: Okay great. Since I'm going first I don't know if it makes sense to do a super quick background on what the lock is but just in case folks aren't familiar there isn't the specific provision for locking domain names pursuant to UDRPs in the UDRP itself or in supplemental rules or other documents.

It's sort of arisen as a matter of practice out of Sections 8a and 8b of the UDRP, which limit the ability of the domain name registrant to transfer the domain name while UDRP dispute is ongoing either to another registrant or to a registrar other than the registrar - essentially the original registrar.

There are a couple of different issues that arise depending on when the lock is imposed. Imposing a lock is pretty much uniform at this point for almost all registrars, at least according to the surveys that we've done and anecdotal evidence.

If the lock is applied later on, say at the notice of formal commencement of the proceeding - actually let me take a step back. UDRP rules provide that a complainant in the UDRP proceeding has to send, typically via email, a copy of the complaint as filed to the domain name owner at the same time it's provided to WIPO, the National Arbitration Forum or whatever other UDRP service provider the complainant is using.

The registrant, therefore, has notice right off the bat. It may take between one and a couple of days for the proceedings to be formally commenced by the UDRP service provider and can take much longer than that, a week or more, depending on how long it takes for the registrar to provide verification of some of the registrant details to the UDRP service provider.

In that period of time it's a fairly common problem, certainly not a huge percentage of disputes but consistent problem, that the registrant will either change some registrant information or will change a registrar prior to formal commencement of the proceeding and prior to imposition of the domain name lock.

It causes a couple of problems. First portions of the complaint that refer to the registrant and some of the things that it's doing might not be accurate anymore because the registrant information may have changed.

The change of registrant may have an impact on the complainant's ability to prove bad faith, for instance if the previously-named registrant prior to the

lock was the subject of previous adverse UDRP decisions or owns other domain names that are being used and registered in bad faith that could impact the substantive remedies of the complainant.

Or the change of registrant may have an impact on the ability of the complainant to group multiple domain names in a single proceeding because they have a common owner.

After receipt of the complaint and prior to lock the owner - the single domain name registrant could change each of the individual domain name registration registrations, in air quotes, to different names.

It doesn't necessarily prevent them from going forward in a single UDRP proceeding but may require that the complainant amend the complaint and submit an additional fee and rack up some other related costs.

Finally change of a registrar prior to lock, since the complainant has to submit to mutual jurisdiction in either the location of the registrant or the registrar may impact the jurisdiction for, again, air quote, appeal from a UDRP decision via a lawsuit. So there can be substantive jurisdictional impacts as well.

Because there's not a formal requirement to impose a domain name lock - and this is something that's evolved in practice to help preserve the status quo as much as possible - the way to best preserve that status quo is for a domain name lock to be provided as soon as possible by the registrar - sorry by the - yes, by the registrar.

That'll prevent any changes to UDRP - or to the registrant information or to the registrar and preserve the status quo as nearly as possible at the timing - as

it was at the time of the filing of the complaint by the complainant and reduces, sort of, administrative headaches as much as possible for everyone involved with the proceeding across the board.

So it's mainly in the interest of economy and keeping everything the way they were at the time the complaint was filed. The sooner that lock is imposed - and that's upon notification of the complaint - the better off and easier the process is for everyone involved.

Sorry, that was quite a ramble for this early in the morning.

Michele Neylon: Thanks.

Celia Lerman: (Unintelligible) said that the registrar should apply the lock at the moment that the UDRP provider - so that means their request for verification. And while the advantages of this is basically as this is a compliance with - this continues with the status quo is at least (unintelligible) is what most registrars are doing today.

And while it ensures that it comes from a trusted source after the administrative compliance has been made, the administrative review has been made. So the registrars can do this on a firm basis knowing that it's coming from - a good compliance from the provider.

Michele Neylon: And now we're going to ask Alan to give a completely different view, which takes us somewhere else.

Alan Greenberg: Thank you, Michele. As noted by the previous speakers there are problems with the two previous options. If the registrar is supposed to do it as soon as they get notification the registrar has to pay attention to random emails

coming in, which perhaps they should anyway but nevertheless, has to (pick) between a re-proceeding and something that might not be and there's a delay associated with them actually doing it, you know, there are some delays because of this, rather.

If (unintelligible) for the UDRP provider then there may be a significant delay from the time the UDRP provider makes the request until they actually get around to doing it and doing it, as we'll see later, may involve a variety of different processes.

I would claim that the reasonable - more reasonable way to do it is as soon as the UDRP provider decides this is something it must act on that it utilize a request to the registry to put a lock on; completely bypasses the registrar, the registrar no longer has to either decide is this a UDRP we have to respond to or have to take any action so it reduces, perhaps significantly, the opportunity for cyber flight, takes something off the registrar's list of responsibilities.

And assuming this is not done through a phone call or email but through some sort of EPP or equivalent link, and there are very few dispute providers so outfitting them properly would not be very difficult.

It's automatic, it happens instantaneously as soon as the UDRP provider decides that there is some action it has to take. It reduces all the times, it reduces the workload. It's a slight change in the policy. But it seems to address all the needs better than the other options. Thank you.

Michele Neylon: Thank you, Alan. At this point anybody here have any questions, any reactions, any rantings, ravings, anything. Go ahead, Dan.

Dan Halloran: Thanks, Michele and thanks, Alan. Just so I can understand we're talking about when should it be applied like as we're rewriting the policy we can make changes. It's not - we're not talking about best practices like what registrars would be doing today necessarily but...

((Crosstalk))

Michele Neylon: Okay just...

Dan Halloran: ...what it will be if we could write it today.

Michele Neylon: Just two things. First, for the record, would you state your name for the...

Dan Halloran: Yes, sorry, Dan Halloran, ICANN staff.

Michele Neylon: Thank you. The purpose is to remove ambiguity because the way it is worded it does not clearly state registrar shall do X when conditions A, B and C are met or exist. Registrar must do X days or hours or anything like that.

The - from the working group - you can ask them in but the registrars and the dispute providers may not agree on everything but they do all agree that there's a certain degree of ambiguity here so this is what we're trying to (unintelligible) out.

One of the first questions we were dealing with was which (unintelligible) from whom, what constitutes a valid notification. As Matt and others will attest, you know, the kind of things that people are worried about are cyber flight, etcetera, etcetera, etcetera so that's where this is coming from.

Dan Halloran: Okay thanks. I just wanted to make clear that when I'm saying registrars should do this I'm not like - legal interpretation that the current rules require this or that; I'm just talking with you guys about what the rules could - should be if we were writing them today. Alan.

Alan Greenberg: For those of you not familiar with the PDP process it's within...

((Crosstalk))

Alan Greenberg: ...consensus policy with (unintelligible) certain specific (unintelligible) of the registry or registrar agreement as soon as it's implemented. We also could recommend best practices and such. But we're also limited to the scope given to us by the GNSO. The (unintelligible) I talked about there's some question whether it's within the scope or not. (Unintelligible) if we decided that that was (unintelligible) go to we might need to look carefully at the scope (unintelligible) GNSO for a change. That's a subject call and we now have an (unintelligible).

Dan Halloran: Okay thanks. So those two kind of just preliminary things (unintelligible). So the first note I think on (unintelligible) worried about (unintelligible) none of them seem to directly address it because if you still have the rule that the complainant has to immediately send a copy of the complaint straight to the registrant then the registrant is going to find out about it probably before A, B or C could happen - any of those propositions (unintelligible).

And then, C, just one quick observation I think it would only work in the thick registry because otherwise you're locking - in a thin registry you could lock it at the registry level but that wouldn't stop the registrar and the registrant from changing the registrant, the admin contact, the phone number, the email

address, the whole (unintelligible) could be changed at the registrar level even though it's under registry lock.

Alan Greenberg: (Unintelligible), you know, but it is within the rights to put a lock on which we tell the registrar you're not allowed to change and presume they are supposed to honor it so...

((Crosstalk))

Dan Halloran: I was just saying if you literally just did what's in C the registry puts the name on it would be an EPP, somebody would know better than me, server, hold - server update prohibited, server transfer prohibited.

That wouldn't stop the registrar from changing its own Whois record, which is the only (unintelligible) having (unintelligible) with the registrant is - it's up to the registrar and if it's not locked at the registrar level the registrar is free to make any changes. (Unintelligible) the registrar also has to...

Alan Greenberg: Noted.

Michele Neylon: This is Michele. (Unintelligible) is kind of arguing about Whois statuses, I like this. (Unintelligible) this wouldn't work, Alan. I mean, there's no visibility technically on that. But of course if all registries were thick - and by thick we're talking about the difference between thick and thin Whois, not referring to anything else (unintelligible) to registries just so we're clear.

Kristine, you had your hand up oddly enough.

Kristine Dorrain: I know you're surprised. Kristine (unintelligible). Just to - just sort of further maybe debate Matt a little bit with respect to Proposition A. One advantage to

having the provider request the lock is that the provider is sent, every month, a list of email addresses that the registrars have designated for abuse.

And so we actually have access to those email addresses so we send the verification request to an email address that is sort of supposedly already being monitored by the registrar for UDRP situations.

And so it would make it much less likely that the email sent by the provider is going to end up in some spam or general info-junk folder, which is, you know, if you have just a complainant sending a complaint to the registrar it's possible that the registrar won't get it because it's just going to a general info email address.

Michele Neylon: Thank you. John, no? Okay.

John Berryhill: I was just going to say I realize that what this group's been looking at is how to apply the lock. And, you know, eventually the locks got to come off. And my issue with getting the registry involved is that, you know, they don't get any communication (unintelligible) these things that, hey, it's time to take the lock off, you know, whatever the (unintelligible).

Sometimes it's very hard to get the registrars to unlock the name at the end when a respondent prevails because they, for some reason, just - some registrars don't anticipate the result that a respondent would prevail.

Michele Neylon: (Unintelligible). Kristine.

Kristine Dorrain: Kristine from NAF. I was just going to suggest that, you know - sorry that went away. We send an explicit email asking for a lock but then we send the decision to the registrar. And I guess, I mean, I don't know how WIPO does it

but we don't specifically say, you know, you can unlock after 15 days; we just, you know, sort of send the decision and assume they'll figure out the unlock part.

But every so often we do get a question from a registrar. In fact unusually I've had three this month for when can we unlock because the respondent's prevailed.

John Berryhill: Yes there is kind of (weirdness) down in Rule 4 that says - or down in Paragraph 4 of the UDRP where it says if (unintelligible) transferred we will wait 10 days before implementing the decision.

And I think (unintelligible) in, you know, that only applies if it's been transferred because sometimes we'll say they'll wait 10 days before implementing the decision when the respondent has prevailed, you know, what is it you're waiting 10 days to do to implement a decision that says keep it where it is.

But and so in terms of thinking about when and who is to apply the lock we need to bear in mind that when the thing is eventually going to be unlocked for whatever reason that whoever is applying the lock needs to get the communication on the other end. It's just (unintelligible) doesn't get a decision, doesn't get any interim orders that's a poor place to be applying it.

Michele Neylon: Okay thanks. (Unintelligible) go ahead Dan.

Dan Halloran: Thanks. So just one more thing on A; I think it applies to A, B and C. And I'm sorry I'm not that familiar with paper I got a quick look at it. But just a note (unintelligible) to mind the possibility of like a malicious use of a UDRP

complaint where somebody like in connection with a DDoS attack or something (unintelligible).

Oh so just (unintelligible) it looks like (unintelligible) fully vetting the paperwork, making sure it's a legit complaint and it's a legit - it's a valid - there's some basis for the complaint. And it's from not some hotmail address with a made-up thing.

Because if you're going to start locking things, depending on what kind of lock is applied, it could frustrate somebody if I like do a UDRP on ICANN.org and all of a sudden I can't update my name servers and then I get a DDoS attack that's a problem.

Michele Neylon: Marika and then Kristine.

Marika Konings: Yeah, this is Marika. So maybe expand on Proposition A because I think that partly follows from one of the suggestions that has been made as part of the public comment forum I think by INTA where they actually say it should be - I don't remember the exact title they gave it but like a - it should be a verified request so basically it could be the (unintelligible) submission to the registrar needs to provide certain kind of documents.

And I think it includes like a copy of the complaint date filed, I think a copy of the payment to the UDRP provider and I think some other elements to indeed provide that guarantee for the registrar that it's not a, you know, a bogus complaint just to get the domain locks for some other reason.

So I think that was - that's the proposal that INTA (unintelligible) for consideration to have a verified complaint. So if those boxes are ticked the registrar can just say okay I have everything, lock.

((Crosstalk))

Matt Schneller: Just a real quick - just to verify that, yeah, that's exactly right. The UDRP providers...

((Crosstalk))

Matt Schneller: ...receipt and so the filing receipt that you get is something you can attach to show that, yeah, a complaint has actually been filed...

((Crosstalk))

Kristine Dorrain: ...was the idea that a lot of registrars are not that sophisticated and don't employ a lawyer or anybody who would, you know, sort of even know what to look for to figure out if the complaint was legitimate. And so when we get in a complaint we don't do the full-on rule for an efficiency check yet for Rule 3.

But we do do a preliminary check. We make sure that there's, you know, complainant information, respondent information, there's arguments. You know, we do make sure that it's a legitimate looking complaint. I mean, we don't go through and, you know, the Is are dotted the Ts are crossed.

But we will - there are cases that get rejected outright before we even request a lock because it's not a legitimate complaint.

Michele Neylon: Alan (unintelligible).

Alan Greenberg: Yeah, I think if, A, it would be an option that we would implement formally. And some registrars do this right now and that's their business. But if we were to require that I think part of the UDRP fee would have to go to the registrar because we're now asking them to not only take action but verify documents at some level.

There's a cost to that whether they have to employ someone or it simply takes time and responsibility because they're now taking - having some onus to make sure they don't do it frivolously themselves. So the mechanism of UDRP providers splitting the fee or a separate fee being submitted to the registrar then my mind just boggles.

Michele Neylon: Before I go to (unintelligible) say yes, it's nice to see Alan saying this; I like this idea, I can turn UDRP into a thing which earns a revenue stream.

((Crosstalk))

Michele Neylon: Go ahead, Volker.

Volker Greimann: Yes, the way I see it Proposition A is just an invitation to abuse the system because everybody - anybody could just send the registrar these documents; not send them to the provider, maybe not pay the fee to the provider, the UDRP would never start. The domain would remain in locked status. The registrar would have no way of knowing that the UDRP hasn't started where the hang up so Proposition A is problematic in my view.

Michele Neylon: Thank you. (Unintelligible).

David Roache-Turner: David Roache-Turner of WIPO. Thank you, Michele. I think there's a lot of appeal in Proposition B in large part because it reflects the

reality as it presently exists, for the most part, in the majority of cases. And codifying an approach that is already in use and it has a lot of efficiency advantages in addition to the comments that have been made previously so.

Michele Neylon: (Unintelligible).

Marika Konings: Yeah, this is Marika. But I (unintelligible) because B doesn't address then the issue of cyber flight. Because if you still have notification before verification do few then (unintelligible) issue I think that some of you have raised that, you know, DDoS are then changed and the domain name is transferred away or changes are made so how would you deal with that?

David Roache-Turner: I think that's right. I don't think that it addresses the issues of cyber flight that occur between the filing of the complaint and the locking that's proposed under Option B. And I think we need to accept that as a consequence of proceeding with Proposition B that is going to happen in some cases.

And I think that that only turns the spotlight on thinking about ways to rectify those instances of cyber flight where they do occur because although they're not frequent they are extremely problematic.

And we do need to continue our deliberations on how best we need to be addressing those. There is an Inter Registrar Transfer Policy that I suppose potentially could be helpful in those circumstances but it's a completely separate procedure, it comes at a cost. It's not especially expedited.

So maybe if we could think about some way to prescribe a standing practice or a, you know, a policy that regulates dealing with those cases of cyber flight that occur that give registrars the tools that they need simple and cost effective

to address those instances where they occur I think that would be useful for us.

Michele Neylon: (Unintelligible).

Marika Konings: This is Marika. I have a remote comment from Laurie Anderson. And she says, "In our experience we've only received one complaint that was not actually filed. We follow up with the provider within a few days if we do not receive a verification request."

Michele Neylon: Alan.

Alan Greenberg: Of course the whole problem aside (unintelligible) disappears if the rules were written differently and saying that when a claim is filed it gets filed with the provider; it's up to the provider to notify the registrant. That's not something we've talked about but that would eliminate the concept of cyber flight because the registrant isn't notified until after it's locked effectively if the timing is done right.

David Roache-Turner: I think that's an interesting suggestion. And I think there are some policies that are based on the UDRP where that particular practice applies. I think the DotAU policy is one example of that where the complainant files the complaint and if it's validated then it's notified in due course and the registrant receives notice. And if, of course, it's invalid or withdrawn they never get bothered by it.

But that (unintelligible) precisely that effect; it minimizes the risk of cyber flight while also preserving a validated request to the registrar for a lock so that could be worth thinking about.

Michele Neylon: (Unintelligible).

Marika Konings: Yeah, this is Marika. This is a comment from Matt. "The (unintelligible) A requires including a filing receipt from the provider. The registrar doesn't have to judge the validity of the complaints just that the complainant has paid \$1300 or whatever to kick off the process. If the complaint gets bounced by the provider prior to commencement we're only talking about a few days in which registrant/registrar transfers are prohibited; DNS changes, etcetera aren't prevented."

Michele Neylon: Kristine.

Kristine Dorrain: And I just wanted to add that I'm - while I'm in favor of not having the complainant serve the respondent, you know, before the complaint is vetted and the domain name is locked I'm suspicious that this is not within our charter to change other portions of the UDRP that are not related to the lock directly.

Michele Neylon: Go ahead, Celia.

Celia Lerman: Yeah, one of my concerns is what happens - I believe that in some time we have to do the UDRP at least review. And my fear is that if we decide something now that then it's changed because we think today it's a bad rule that we notify the complainant - sorry - that we notify the respondent before verification.

What if that changes after and we change the current status - the status quo of the UDRP lock and then the rules change? Will we have to rethink our views? So maybe we have to - even if it's besides our charter we need to be thinking about those cases when it's their rule - if - it's a bad rule or a rule that has

negative consequences, well if these made change well let's keep it in mind for decisions we make now - just to have it in mind.

Michele Neylon: Alan.

Alan Greenberg: Yeah, I (unintelligible) jobs although it's certainly not written in the charter is to identify things that we (unintelligible) really problematic but are really out of scope because someday there will be an overall UDRP review and we can pass it on.

On the other hand if something is not in our charter right now - and an example is the kind of thing we're talking about that is the notice doesn't go to the registrant until the provider has vetted it, you know, it (unintelligible) lock in the sentence that we're talking about; it's something that I would feel comfortable going to Council and asking if they wanted to increase the scope to cover. Something that is unconnected with lock certainly is out of scope. So it could go either way.

Michele Neylon: John.

John Berryhill: I wanted to agree with Mr. Roache-Turner and (unintelligible) matter of many frequent filers of UDRP complaints, you know, (unintelligible) file it with the provider and actually not serve it on the respondent (unintelligible) most of the ones I see - most disputes I see the note to the registrant is the provider's notification of commencement.

But (unintelligible) to a recommendation that the registrar applies the lock when the UDRP provider makes some communication to the registrar then that (unintelligible) compatible with a future rule change that eliminated the

requirement for the complainant to serve it on the registrant and the provider at the same time.

So that would seem to be the (unintelligible) thing to do in view of perhaps a future recommendation to deal with the cyber flight problem that Mr. Roache-Turner mentioned if that makes any sense at all.

Michele Neylon: Thanks, John. (Unintelligible) next subject which is Topic B, what kind of lock should be applied? Whew (unintelligible).

((Crosstalk))

Michele Neylon: You too can get excited by EPP lock statuses. Okay I'm sorry, I try my best to make this interesting. First we have Mr. Alan Greenberg.

Alan Greenberg: I don't remember if I actually asked to be assigned this one. And as Marika - no, no as Marika noticed - noted we're not necessarily espousing although I do espouse the first one. But this one actually is linked to the previous one so maybe that's why it was assigned to me. And it does indeed go on - go hand in hand, that is if the registry is going to apply a lock clearly it has to be a registry lock.

However this has merits even without going to Proposition C of the previous one in that it provides a level of consistency among registrars at least for any given registry. It doesn't imply - although it could - that it is a standard lock across all registries. But even if it is not - even if that's not the case and it's registry-unique it's consistent amount all registrars for that registry. And I think that has value.

Although we encourage registrars to have business models, which attract certain kinds of clients the kind of lock that's applied and what they may or may not be able to do while a domain is locked during UDRP does not sound like the kind of thing we want to encourage that a registrar focus on the business, you know, encouraging clients who are subject to UDRP and they pick the best - the most favorable kind of lock for what nasty things they plan to be doing.

So I just don't think it should be one of those competitive advantage type things; it should be consistent so that everyone - a UDRP works the same regardless of which registrar you went through.

Michele Neylon: So just a (unintelligible) are you talking - just so we're clear and we're now talking about the wonderful world of EPP. Are you talking about that everybody would use the same lock or are you talking about introducing a new EPP status, a new type of lock?

Alan Greenberg: I am not sufficiently expert on these things to know whether there is an existing lock or a combination of locks that would match exactly what we need. And moreover one of the problems that we've realized is currently different registrars use different mechanisms; some use lock - a lock, some use locks, I think.

Some use simply transferring the domain to an internal account so it's not locked in any sense but it's no longer on your list of domains you manage so you can't get to it. So currently there's all different rules registrars also have different rules for when it is - when it is in this locked status what can you change and what can you not change. It is not consistent.

So right now I'm sure there are some registrars who do things not necessarily to encourage naughty clients but they do things which may be more attractive or less attractive or more meet the needs or not meet the needs of people who are subject to UDRPs for valid reasons.

Again I'm not a subject expert in this but the fact that things are radically different from one registrar to another implies a level of choice which I don't think this is one of the consumer choices we should be offering.

Michele Neylon: Dan, go ahead.

Dan Halloran: Thanks. Yeah so I think somebody mentioned it earlier but I think when we use that word lock it's very fuzzy; there's no such thing as lock in EPP. Lock was a term in our RP back 12 years ago and people still use it to this day saying oh let's lock the domain. If you (unintelligible) lock a domain 10 registrars they might do 10 different things.

So I think this working group especially should if, you know, Michele or someone could help and go back because what the relevant EPP statuses are, the options if you want to have a new one if that's probably totally outside of scope.

And then I think for this particular (unintelligible) could come up in the end with, you know, (unintelligible) exactly a registrar must - like they say in RFCs, M-U-S-T, registrar must do this, registrar may not do that specifically and precisely so all the registrars could read it and interpret the same way it would be very valuable.

Michele Neylon: (Unintelligible) as a registrar who does not have massive legal team and all this (unintelligible) for us we don't get that many UDRPs but it's a

disproportionately large headache because the way the policy is at the moment I've actually gone to ICANN staff and they said oh it's in the policy, which didn't help me at all. I ended up actually having to get another registrar to kind of say well this is what we do, which was great and it was helpful but it's a bit ridiculous.

Go ahead, Alan.

Alan Greenberg: I mean, I think you've identified why we're here. The UDRP essentially - it says or implies the registrar needs to lock the domain. It's not a defined term; everyone has different understandings. Thus they deemed it necessary to set - to tell us to spend an awful lot of time deciding what it meant.

Dan Halloran: Right, not only is it not defined in the EPP it's not defined in the UDRP; it doesn't even say the word lock if I remember right.

Michele Neylon: (Unintelligible). This is one of the things we've been struggling with. Okay (unintelligible) because Luc has to defend another position.

Luc Seufer: (Unintelligible) so...

Michele Neylon: Dan wants to go (unintelligible) first.

Dan Halloran: Just very - didn't want to leave that hanging about the - not equating lock and status quo I think is kind of an open question. I don't want to bring us off in different directions. But lock does not necessarily equal status quo. There's - that section that's called maintaining the status quo has particular instructions to the registrar some of which are and are not similar to locking so just wanted to flag that.

Michele Neylon: (Unintelligible).

Luc Seufer: Yeah, so I think, Alan (unintelligible) because there is no standard (unintelligible) lock that would word across every registry. But we need some leeway to adapt to depending on our registrar model if we are - if we have resellers, some resellers, to include everybody in the loop. Yeah.

Alan Greenberg: (Unintelligible).

Michele Neylon: So basically (unintelligible) registrar to make the choice. Oh we have a reaction. Kristine, go ahead.

Kristine Dorrain: Hi, this is Kristine. The - I think just to further capitalize on what you were saying or continue on with what you were saying, Michele, is I know when we talked about it on the call we talked about having a list of parameters within which the registrar would make a choice.

So we would say this is the functional effect that this - maintaining the status quo or prohibition and transfer per Rule H or policy Paragraph H should apply. And then it's up to the registrar within certain parameters to make sure that those - that the effect of whatever that they - whatever they did had that same effect.

So I think not just open-ended to the registrars but it was within these parameters as set forth by this group.

Michele Neylon: Okay thank you. Any other comments, feedback? Can we just say that you're not excited by different types of EPP locks? I'm shocked. If this was an IETF meeting they'd be all over this. Okay then just - this is cool we're getting some

great feedback, we're getting lots of engagement and I'm really happy to see so many people rushing to the microphones. Yes, Volker.

Volker Greimann: Well as a registrar dealing with other registrars and based on the observation that has been made before that every registrar has a different procedure implementing the lock I'm more convinced than ever that we should not determine the form of the lock; we should determine what lock should actually do.

If we lay out groundwork what the lock is supposed to be preventing and what should still be possible (unintelligible) lock every registrar could keep up with his policies and can - does not have to rewrite possibly major system changes. And the same goal will be achieved.

Michele Neylon: Okay thanks. Go ahead.

David Roache-Turner: David Roache-Turner from WIPO. We don't have particularly strong views on this issue but it makes sense to us to preserve some registrar flexibility on this question. For us what matters is the effect and that the effect is confirmed. And as long as there's no transfer for us there's no problem.

Michele Neylon: Okay thanks (unintelligible). We thought we were going to look at (unintelligible) which is around the changes, which is Topic D. We'll try and come back to C if we get a chance but - since we're running a bit short on time.

So John was going to defend Proposition A in Topic D. Go ahead, John.

John Berryhill: Yeah, the Proposition I've been given is the lock should, at a minimum, prevent any transfer of the domain name registration to another registrar or

registrant. Changes to registrant's information resulting from lifting of privacy proxy service should be allowed.

And this is a - it's a happy fun topic. (Unintelligible) there are some dramatic differences in registrar policies on this point. Some registrars will, as was mentioned previously, move the domain name to an internal account and prevent any changes to information such as name servers or, you know, (unintelligible) that results in something other than maintaining the status quo.

Lifting the privacy proxy service I think it is useful - at least in circumstances where one is dealing with a legitimate privacy or proxy service I think it's useful to get the underlying information at least on the record. There's a difference of opinion among UDRP panelists in how to treat the identity of the respondent in those situations.

But I can't see how anyone would not want to know if it is a legitimate proxy service what, you know, the underlying registrant is someone we've seen before or, you know, who may have been - had a dispute recently where it was actually the second time that a UDRP had been filed against the same domain name.

And the first time (unintelligible) dispute was back in 2006 and the respondent one. Well since that time that respondent got kind of tired of being called a cyber squatter so they went with a proxy service and then, you know, boom (unintelligible) been determined to have been in legitimate possession of the domain name. Of course he wanted to argue that, you know, I'm the same person and I'm still legitimately in possession of the domain name so it (unintelligible) both ways.

You can either find out that, you know, the proxy registrant - the underlying registrant has a known reputation and profile one way or the other. So I (unintelligible) registrar changes that information and whether that effectively makes that party the respondent in the proceeding I think are two different questions.

Because Mr. Roache-Turner will say well it could change the mutual jurisdiction of the circumstances where the, you know, the registrant turns out to be somewhere else other than the (unintelligible). You know, the complainant might take that into account when they file it and say well we'll make the (unintelligible) the registrar so that it can't change.

But so in any event bottom line in terms of what information can change there are also conflicting obligations. A registrant has 15 days notice from a registrar to update their contact details. And they have an obligation to maintain accurate contact details.

So (unintelligible) and forgot to change their Whois information and the UDRP notification may be the first time they're reminded of the fact that oh, hey, you know, I never changed the address on that domain name. And now I have 15 days to change that. Now that's (unintelligible) it is not a Whois (unintelligible) policy is not a better or bigger policy than the UDRP. They are simply two policies. And the requirements of them can conflict.

But (unintelligible) how things like, you know, well let's use my correct address and not my ex-wife's address is probably a good idea. And I don't see how you wouldn't want to know the underlying domain registrant when that information is available.

Michele Neylon: Thanks, John. Reactions. Alan.

Alan Greenberg: I have no - I'm taking off my chair hat now and putting on my user representative hat. I have no problem with the dispute provider knowing who the underlying beneficial user of the domain name is. And the files at ICANN, for instance, if the next time a UDRP is filed against them it goes to a different dispute provider.

But I have a real problem with the beneficial owner being revealed during the process if they - and winning. Because essentially you're saying proxy services have no value if the person who's curious has a few thousand dollars.

And you can file a frivolous complaint, the registrant wins hands down and it goes on the public record - it has gone into the public record for a while and there are services who trace the history of Whois so you can always find out that for those three-week period it showed the real owner. And of course it goes on to the dispute provider's public record. So I have a real problem with that.

Michele Neylon: (Unintelligible) question first if you don't mind? I'm taking a remote question first.

Marika Konings: (Unintelligible).

Michele Neylon: I was going to read it.

Marika Konings: Oh okay.

Michele Neylon: This question is from (unintelligible). "If registrar changes are committed during the lock how can we prevent changing language requirements

(unintelligible) shopping, for example, to registrars who filed baseless appeals for losing respondents?"

Do you want me to read that again?

((Crosstalk))

Michele Neylon: Okay, "If registrar changes are permitted during the lock..." Do you mean registrar or registrant?

John Berryhill: Registrant changes maybe?

((Crosstalk))

John Berryhill: I think he said registrar. I...

Michele Neylon: Yeah...

((Crosstalk))

Michele Neylon: ...copy and paste for the live chat. Just during the lock how we can prevent language requirements or (forum) shopping, for example, to registrars who file baseless appeals for losing respondents?"

John Berryhill: Well I think - both of these options say - I thought both of them said that registrar changes should not be allowed. And that's actually very clear in Paragraph 8 of the UDRP. It's more clear than the registrant change language that - yeah, I mean, I couldn't see - I can't see too many situations unless there was a registrar change that was already pending as has occurred in two or three instances I'm aware of.

But, no, the registrar changes are more clearly ruled out by Paragraph 8 of the UDRP than are registrant changes.

Alan Greenberg: I think the - both A and B and all this various elements in A, this thing just calls out for more precision and going field by field through like should a registrar change be allowed? Should a registrant change be allowed?

Should an admin contact update be a change to a phone number, a mailing address? What about name servers like - go field by field rather than like (unintelligible) questions in there like whether it's registrar or registrant change. So it's kind of hard even to comment on A or B because there's a lot packed inside there.

Michele Neylon: Thanks. (Unintelligible) participant...

Marika Konings: Registrar.

Michele Neylon: Oh sorry. She reads better than I do. Kristine, go ahead.

Kristine Dorrain: I was just going to - just going to mention that the - not only going through field by field as to what changes should be made but also to think about when those changes should be made because as far as the way the NAF's practice are locks once we request verification from the registrar and the registrar comes back and says the domain name is locked, here's the registrant, it's a proxy service, it's not a proxy service, whoever it is, we serve them.

If that registrant then needed to update their Whois information or whatever we are not going to go back to the Whois throughout the life of the dispute and keep checking to see if it's changed. So once we've served the respondent

the respondent is still going to have to come back and say hey by the way I moved; can you forward all my case information to this address?

We happily do that but we're not going to like keep stalking the Whois. So if information is permitted to be sort of changed the lifting of the privacy proxy service I think we also have to decide like, you know, and that's sort of kind of sort of goes back to Topic C. But when can you make those changes and how much time was the window in which you - the registrar can lift that privacy or proxy service because it can't happen, you know, 10 days after the complaint's been served.

Michele Neylon: John.

Dan Halloran: So I guess - do we have verification that (Steve) was asking about (unintelligible) registrar? And that wasn't part of John's Proposition A, I mean, he kind of - it states allow change of a registrar or registrant. But you were saying you were just kind of advocating - allowing change of registrant not necessarily allowing change of registrar which is how it's written there.

And on Alan's comment about the proxy privacy - see the proposition says should be allowed not that it would be required to overturn the privacy or proxy but just that it should be allowed - the registrar or the proxy service finds that the user violated the terms and they need to turn off or there's a court order and they need to turn it off so I think that's - should be allowed and must be or will be.

Michele Neylon: Okay (unintelligible) talking points and a bit of dialogue so these are not anything that we've kind of voted on and gone through that entire consensus-y thing. Marika then John.

Marika Konings: Yeah, this is Marika. I think (Steve) posted as well some clarifying language there where (unintelligible) because he says some registrars are notorious for encouraging losing respondents to file baseless appeals in an effort to gain leverage and negotiating a sale of the domain to the complainant.

And one other question I wanted to raise as well because I think as part of the comments filed we've seen as well that a change of registrar might be problematic because it would change a jurisdiction if I understood rightly so that's another consideration that might need to go into the discussion how that would factor in or, indeed, a talking point that can still happen the change of registrar before that would affect the jurisdiction of the - of the proceeding.

John Berryhill: Yeah, there was - there was - and I think both of them have been de-accredited now. I think there was one registrar in the State of Texas that was sort of a house registrar for a particular registrant - actually particularly registrant organization - that would file just ridiculous suits to stop transfers of UDRP.

And there was a registrar, I believe, that was in an Asian country that was actually selling this service of, you know, we'll file a lawsuit in a country where the courts work very slowly. But I think they've been de-accredited too.

But regardless of what changes are or are not, you know, fair or valid - and I don't think a registrar should be changed. Regardless of what changes should be made I don't think that it should be an opportunity to change, you know, what jurisdictions are competent.

I wanted to go back to Alan's point, though, it was very interesting of, you know, well what if the UDRP is just being used as a mechanism to reveal the underlying registrant on the basis of a frivolous claim? And, you know, I think

it's something we have to say well the value of privacy proxy service is what it is, you know. And it's not absolute.

I did have the situation actually where the person (in) the complaint was a religious cult leader who was going after someone who had actually escaped from the cult and had a critical (unintelligible) registered through a proxy registration.

But what we had (unintelligible) in actually helping that party get set up was they registered it through one proxy provider and then took that registration and registered it to another proxy provider so that the proxy reveal showed a proxy provider underneath. There are ways of dealing with that.

But on the other side of it is, you know, we have this new gTLD program and part of the program is to (unintelligible) the new gTLD program is to ensure that we aren't making TLD registries out of cyber squatters. And there is a, you know, three strikes rule with respect to UDRPs and domain name litigation.

And so there is this new (unintelligible) arisen in connection with well who are these people registering these domain names. And ICANN has an interest in knowing whether or not any of the new gTLD applicants (unintelligible) had, you know, the threshold number of adverse final decisions.

Michele Neylon: Thanks, John.

Dan Halloran: This is Dan...

John Berryhill: ...in knowing whether or not any of the new gTLD applicants have not had, you know, the threshold number of adverse final decisions.

Dan Halloran: Thanks (Jon). This is Dan Halloran. I just wanted to thank (Jon) for the ringing endorsement of ICANN compliance efforts and the fact that those two registrars you say were causing trouble are no long accredited that - I think that says something.

Man: (Dave) is going to defend him. It's like a different position.

David Roache-Turner: Happy to and in doing so I'm not suggesting that I necessarily support the proposition across (unintelligible) entry -- as hasty as it may be. Yes, so, I think some of the reasons why Proposition B could be attractive we've already heard.

The first I think is that it offers the possibility of preserving the privacy of any registrant that would be using a privacy or proxy registration service in the public Whois during the UD update proceeding.

It wouldn't necessarily preclude the registrar from making available underlying registrant information directly to the provider. That can then notify the compliant on the basis of the contact information that's provide. And can, of course, make that information available to the complainant or any substantial (unintelligible) to the complaint that would be appropriate in light of that additional information.

And it's a solution that I think has certain appeal because of its simplicity. It means that Whois information in the public -- Whois obviously remains fixed for the duration of the proceeding.

It also avoids any confusion, I think, we respect to the mutual jurisdiction issue with (Jon) did mention. The UDRP defines the mutual jurisdiction

option as the location of the registrar or the registrant at the time of the filing of the complaint -- so precluding modifications in the public Whois avoid any uncertainty about that question which is useful potentially.

I think that would pretty much sum it up from my perspective.

Man: Thank. Any questions? (Unintelligible). Oh, (Jon) thank you. Basically you know we're going to be sending you an email asking you to join the Working Group on a (unintelligible) -- you do realize those?

Man: I don't know if I'm allowed to do that but I do frequently correspond with Marika and I'm happy to help (unintelligible).

Man: Okay, go ahead.

Man: Just - I just wanted to flag again because it came up and this one if you literally present - prevent any changes that might have an effect on, you know, somebody changing their named servers in response to a DDoS attack or other changes. So again, just a caution to go through literally field by field and see - - do you really mean every field?

Man: Okay, (unintelligible) question. Sorry, it says, I tried to give a preference to the remote participants.

From Matt Shcneller, question for David Roache-Turner: -- "How would decisions be captioned and the registrant identified in the decision? Both the service and the underlying registrant or just the service?"

David Roache-Turner:: At (unintelligible) at least. Typically where a registrar would disclose and underlying registrant the decision would reflect both the service

that provides the privacy or proxy registration services and the (unintelligible) whose details had been disclosed by the registrar is the relevant registrant of the domain name under dispute.

Typically in those cases the issues of determining the appropriate identity of the respondent or respondents falls to the panel. And the panel, of course, has used the decision so it's ultimately for the panel to determine what goes in the caption of their decision but that's typically what happens in response to that question.

Man: Thanks. (Christine).

(Christine McNabb): Thanks, (Christine McNabb). I would like to also answer the question just because ours is slightly different. We have defined the holder of the domain name for the purposes of the caption as the entity in the Whois at the time of verification -- so if the verification - if the Whois privacy service gets listed -- so the Whois at the time of verification show the underlying respondent that's what we would put in the caption.

If it doesn't get listed we would only include the privacy service. But then we would serve all of the information and present - we would provide the panel with the information of both the proxy service and the underlying registrant and of allow the panel to make that decision.

So then we have panels who occasionally will change the caption, you know, in the decision and then we have to change it in our system. So, just a slight difference for how we would handle that.

And then to - for my commenter, I guess, with respect to Propositions A and B here -- one thing to consider as well is -- and David Roache-Turner:

mentioned this a little bit -- that you would definitely be creating efficiencies to go with Proposition B and sort of streamline the process.

But when you think about what happens if you are having a case with ten domain names and all of those domain names are registered to a proxy service and then we serve the proxy service who passes on the complaint to the underlying registrant. What if there are ten underlying registrants?

And we've had this situation. We've located ten responses back. And they'll filter in over a period of time so we don't necessarily know how many responses are coming or, you know, who's sending them.

And UDRP complaints are supposed to be between a single complainant and a single respondent. And so while you could argue that the proxy service was the single respondent -- I in reality am now faced with ten responses. And it creates a lot of administrative hassles if you don't list the privacy proxy service when the register wants to do that.

So I thought I would just throw out there as one of the administrative hassles that can exist if you would go with Proposition B.

Man: Mike.

Mike Zupke: Mike ICANN staff. One of the things I would just sort of like to understand a little bit better here is -- the (unintelligible) or the sort of a differentiation between A and B. Neither one of them, as I understand it, would require the privacy or proxy service to disclose, right? This is allowing it to -- should its own terms and service require that -- or should another proxy accreditation require that. Is that a correct understanding?

Man: Yes, Mike.

Man: What we were discussing - what we've been discussing is the - whether it's a case of the privacy service mandating removal or still - leaving the in the public Whois the privacy proxy data but actually passing on the data to the dispute provider.

I think at least one member of the Working Group or I think it was the Drafting Team -- my brain has been fried when it comes to what - when this happened exactly -- and did raise some concerns around freedom of speech in this particular section.

I mean, if you were to work on the basis that some people might want to file spurious UDRPs just to get at the underlying data and, you know, there are certain dangers there which may or may not be big or small. And go ahead Marika.

Marika Konnings: This Marika. Of course it raises an interesting question because I think in these cases if it would be a requirement to list the privacy proxy's service would could only require that if the service is provided by the registrar. Because we don't have contracts at the moment, I guess, with privacy proxy services.

However, (unintelligible) at developing a program that maybe that's an element of discussion that would come up there and would still be (unintelligible) here. If that is the direction the Working Group would take. If that would be a requirement, say when you start looking at that we recommend that this or that happens.

But I think at the moment I'm not really sure whether we could require (unintelligible) as ICANN doesn't have contracts with necessary - I mean, privacy proxy services.

Man: (Unintelligible) review the requirement. Celia, please.

Celia Lerman: This is Celia. I just want some clarification from (Christine). So the administrative workload would be in both cases, right? Let's say you have one proxy service and then it turns out that you have several different respondents -- ten different respondents -- the eventual work load would be -- in both cases -- with Proposition A and Proposition B, correct?

(Christine McNabb): This is (Christine). Yes, there would be an additional administrative workload but with Proposition A we would have dealt with it upfront at the deficiency check - standpoint. Where we would have told the complainant you can only proceed against one respondent -- so you need to kick some of these people out of the complaint and only proceed against one respondent.

So we would have dealt with it sort of all in one little neat package up front. Rather than, you know, sort of drawing it out for the whole process and making the panel have to decide which respondent to go against. And, you know, trying to sort through multiple layers of responses.

Celia Lerman: This is Celia. It might be a case where we might need to, you know, like do - like sort of a balancing analysis - like cost-benefit analysis and say, "Well do these cases happen a lot?" And maybe that (unintelligible) worth pointing out if it - it's more beneficial for both cases than Proposition A for some cases (unintelligible).

Christine McNabb: A lot. That's a really good question. Enough that they make us shutter but I would not say a lot, no -- probably a few a year.

Man: Okay.

David Roache-Turner:: To the extent that the question was how many cases do we see in which privacy and proxy registration services are involved? If that was the question.

Christine McNabb: Yes, I guess it was.

Woman: All right, so the other question was how many do you have where you have the same proxy service with different respondents behind?

David Roache-Turner:: Oh, okay. Sorry, this is David Roache-Turner:. It doesn't happen frequently for us but I agree with (Christine) that when it does happen it's very, very complicated. It's particularly complicated in cases where you have dozens or hundreds of domain names and the complaint is filed against a single privacy or proxy service and then you get a situation where you have a disclosure of dozens or hundreds of individual registrants.

Yes, it's complicated. And typically in those cases the WIT are aware the complainant is unable to show that all of those various different disclosed underlying registrants are not in fact the same or related entities. Than usually it's necessary procedurally to split the complaint into a number of individual complaints to deal with it should the individual disclose registrants.

Woman: After speaking with (Christine) do you think that claims would view - like the defense (unintelligible) Proposition B? That you may be for -- do you think that would have an impact? Or you would still stick to Proposition B?

David Roache-Turner:: I'm not saying I'm sticking with Proposition B. But to the extent that I'm defending it -- I think that the main difference as I understand it between Proposition A and Proposition B is that in Proposition A we were talking about possibilities for modification to the public Whois. Whereas in Proposition B we were talking about not allowing modifications to the public Whois but we are including the possibility of the registrar providing certain information to the provider about the underlying registrant.

And to the extent that that understanding is correct I don't think there's going to be a huge amount of difference from the perspective of the provider and the amount of time they have to put into the case -- because they're still going to have to deal with the consequences of one or more multiple underlying registrants.

Whether you define them formally in the public Whois or not is not going to affect the administrative implications of having that information.

Man: (Unintelligible) quick stab -- so the lawyers in the room -- most of you -- (unintelligible) using short (unintelligible) and keeping to the point. I mean, not to offend or anything.

Be another question which we - I think quite a few people feel is key is removing locks from a domain name, okay? So all the providers get all happy and bounce around the place and have bunny - and think about bunnies when things get locked quickly. But how about removing locks?

So very quickly, Volker will give his thing.

Volker Greimann: Yes, I've been asked to defend Proposition A of Topic E on Logging on Domain Name the - let me start again. The - in my opinion it's essential that

the registrar may be able to removal doc under certain circumstances. One of which is that the complainant and response have reached a settlement.

As is the current process in these cases we usually receive comment from both the respondent and the complainant that they wish the removal of the lock. The provider's also involved and ask to suspend the proceedings once the specific - the proceedings have been suspended we (unintelligible) when we receive a confirming message from both parties.

Man: Okay, thanks Volker. (Unintelligible) hold on. Reactions? You all love the idea. (Christine), thank you.

(Christine McNabb): Hi this is (Christine). My only reaction is that -- and maybe this is just stating the obvious -- but this in the group -- just for the benefit of the people in the room -- this has been a - kind of a significant discussion because there is - like with general locking process itself -- there is no standard procedure around what happens if the parties want to settle, stay and how that lock gets removed and how the parties get to do it.

Circling back around to the notion that a lot of registrars don't have legal counsel or people to sort of help them figure out of this is a legitimate document. I get a lot of questions from registrars saying, "What is this document? What am I allowed to do with it? Please help."

So that - the only thing I just wanted to add was that this is sort of significant and I think it's going to be a really interesting part of our work product that we can come up with a sort of standard mechanism for how to do this.

Man: (Unintelligible) to me that the circumstance under which this removal of the lock would work would have to be defined to make a common, universal

process out of this. Because this is - as it is not defined. It is still quite somewhat to the -- how do you say it -- the registrants get to decide how to do it or has to decide on how to implement this through suspension.

When I was first confronted with it I also had to think about that for a while and for me it's easy as a lawyer -- other registrars might not have that -- might even take longer for that, yes.

So if we define circumstances under which a suspension and a removal of a lock would then work that would be very helpful for a lot of registrars, I guess.

Man: Go ahead David Roache-Turner:.

David Roache-Turner: I just want to second what Volker said. I think it is important that we think about how we make provision for unlocking domain names in cases of settlement. We see at WIPL about 25% -- a quarter of all the UD applications settling before panel appointment. So having a mechanism to deal with this pragmatically is important.

I think there has been a mechanism that is fairly long standing -- I think it was discussed with ICANN, Dan Halloran: -- many years ago -- back in 2001, I think -- and that works well in many cases so building on that make sense.

I think it's also just worth touching on the subject that we mentioned earlier that there is a preclusion under Paragraph 8 on registrants transferring the domain name for 15 days after the UD update proceeding has concluded and run its course and part of having that of course is to enable the party that would want to take the dispute through to a court proceeding being able to do

that without the consequences of (unintelligible) intervening in that procedure -- so something also to consider.

Man: Thanks. So (unintelligible) it's not spelled out in (unintelligible) and Marika showed me an old email from 2003 where I said, "Yes, it makes sense if the parties want to resolve it -- it's a dispute resolution procedure -- we should allow it to be implemented."

So on this (unintelligible) and avoid the past avoids. And I don't know if you meant to - I know this is not yet a policy but a lock (unintelligible) -- that would translate to registrar must implement a transfer if, you know, the provider says the parties have reached a settlement or something like that, whatever it is.

Man: Okay. (Unintelligible) few minutes left. I'm going to call this a day or a morning or an evening -- depending which time zone you're in. Thanks for everybody who came along. Thank you to all of you who have interactives. Thanks for all of you for not falling asleep -- for actually dragging yourselves down here this early in the morning.

Woman: Excuse me (unintelligible). Can I interrupt? There's one more comment in the chat from Laurie Anderson if you want to hit that or no?

Man: I think we're going to have to leave it.

Woman: Okay.

Man: We really don't have enough time.

Woman: Okay.

Man: I have - Marika if you could send it to the mailing list it would be helpful. In terms of a little bit of housekeeping -- the next Working Group meeting will be in two weeks' time on the 1st of November.

In terms of times there's a bit of weirdness with time zone changes. Those of us living in Europe are happy bunnies. There's some of the North Americans are going to be traumatized but I'm sure they'll get over it.

Thanks to all of you who have participated and if anybody has any questions or wants to give us more input there have been and there will be public comments. Members of the Working Group are always happy to talk to you, we have business cards and some of even have hands.

Thank you (Jon). Okay, thank you everybody and until the next meeting. Operator if you could stop the recording please.

Coordinator: Okay, thank you sir.

END