

PEDNR
TRANSCRIPTION
3 May 2011

Attendees:

James Bladel - Registrar Constituency

Berry Cobb - Commercial and Business Users Constituency

Olivier Crepin-Leblond – ALAC Chair

Alan Greenberg - ALAC Liaison to GNSO Council Chair

Cheryl Langdon-Orr - ccNSO Liaison APRALO

Sivasubramanian Muthusamy - ALAC IDN liaison

Michele Neylon - Registrar Constituency

Mike O'Connor - Commercial and Business Users Constituency

Ted Suzuki - Intellectual Property Constituency

Ron Wickersham - Non Commercial Users Constituency

ICANN staff:

Marika Konings

Margie Milam

Kristina Nordstrom

Apologies:

Mason Cole - Registrar Constituency

Paul Diaz - Registrar Constituency

Oliver Hope - Registrar

Karim MOHAMED ATTOUMANI - Government Advisory Committee

Coordinator: Thank you for standing by, we'd like to begin with the role call. Kristina Nordstrom?

Kristina Nordstrom: Thank you very much.

Coordinator: Thank you. We have Mr. Mutisami, but he is on mute, Michele Neylon?

Michele Neylon: Michele Neylon.

Coordinator: Okay thank you. Ted Suzuki.

Michele Neylon: Just call the names if you see them on meeting view, don't wait for a response.

Coordinator: Okay. Margie Milam, Tatiana Khramtsova, cannot get ahold of her, Alan Greenberg, Cheryl Langdon Orr, Mike O'Connor, Berry Cobb, Ron Wickersham, Marika Konings, and James Bladel.

Alan Greenberg: Thank you very much. All right, I think our work today is to start - yes, go ahead.

Woman: Excuse me, I have apologies from Paul Diaz, Mason Cole, Oliver Hope and (Karim Muhammed Otomani).

Alan Greenberg: Thank you. And I see Olivier has joined us now also.

Olivier Crepin-LeBlond: I have indeed, thanks.

Alan Greenberg: All right, Marika I have a question before we start going over these. Some of the items you put in the comment summary were staff, when did those come or where did those come from?

Marika Konings: This is Marika. I met with some people internally to get their feedback so basically I collated those and just put them in here. I thought it would be easier just to group them here together with the comments that were made in the public comment forum as well as the San Francisco meeting.

Alan Greenberg: Thank you very much. Are there any other issues we want to start - we want to bring up before we start going over these one by one? Not hearing anyone scream and not seeing any hands.

Ron Wickersham: Yes, this is Ron Wickersham. I was wondering if the staff recommendations was in the form of a report that we could read in like other public comments or were they just randomly submitted to Marika?

Alan Greenberg: I don't think any - Marika does anything randomly, but Marika would you comment?

Marika Konings: This is Marika, I basically got together with some colleagues from different departments, league of comments, compliance and our services team, just talked through the recommendations and get their input already at this stage because at some point these will move into implementation.

I thought it would be helpful to get any feedback that they might have in this stage of the process instead of waiting until everything goes through adoption

and then come back with certain questions that we might already be able to address now.

So there's no formal report, this is basically what I wrote up based on the discussions I had with different colleagues and the feedback I received from them.

Alan Greenberg: I will add that based on discussion we're having in the PDP working group this kind of activity and this kind of response from staff is exceedingly welcome from my point of view.

After we submit all the recommendations is not the time for someone to warn us that they can't be implemented or something like that. James.

James Bladel: Just real quickly, I apologize, it may already be scheduled on our agenda, but are we still - we've missed a few meetings over the past few weeks and I'm just checking if we're still on track to complete at or around the Singapore meeting.

Is that...

Alan Greenberg: I'm sure hoping so, I don't think anyone has the stomach for going much further than that. You know I don't think at this point we're going to make the official publication deadline for the Singapore meeting.

We may, you know some of the items that are being raised I think are going to require some amount of work and crafting to incorporate.

But I don't see any reason why we shouldn't be finished by Singapore whether the - we meet the publication deadline or not. I don't see anything

here that is likely to be of sufficient onus or rather so onerous that it requires that.

I may take back my words later.

James Bladel: And then once we're ready to dive into the comments I just had an overarching thought on those as well but I'll hold my comments until that time.

Alan Greenberg: Okay, well I think we're just about ready. I was just going to comment that I was - I hope not viewed as presumptuous to put my initial comments in writing just to start the process going and with the hope that at least some of them everyone's going to agree we don't have to discuss at length on the discussion.

But it wasn't an attempt to do anything more than to put some initial thoughts down in writing. So James if you have an overall thought, go ahead.

Marika Konings: This is Marika if I can just make a comment on the timeline. Just to note that indeed the official publication deadline for Singapore is the 30th of May but as this report, as we're aiming to have a final report out is not intended for public discussion, I think the only real deadline we have is if we want the council to consider it and - at the Singapore meeting is the eight day before the GNSO council meeting deadline to get it on the agenda and have the report submitted.

So that would give the group more time if the intent is to have it discussed by the council in Singapore.

Alan Greenberg: Well my intent would be to try to get it on the council agenda so that we can present it, not on the formal - necessarily on the formal GSNO council meeting but on the weekend agenda so we can discuss it.

Marika Konings: Yeah, on that note I would be...

Alan Greenberg: I was going to say if we make the one week deadline, council is not going to vote on it, the stakeholder groups will not have had sufficient time to look at it.

So I don't think that deadline has particular meaning other than it would be nice if we got everything wrapped up so we could discuss it on the weekend meeting.

Marika Konings: Right, on that note I have already because Glen has already asked staff members to provide input on the schedule because she's working on that with Mary Wong, the vice chair of GNSO council to have already indicated that you know we're intending to have a final report ready for discussion.

And also indicated I think it would be helpful to have at least 45 minutes available to go through recommendations and have an in-depth discussion with the council as indeed they are expected as a next step to you know consider it and vote on it.

Alan Greenberg: Thank you for that, I think I agree basically. James?

James Bladel: Thanks Alan, this is James. So I just glanced at some of the comments as they were coming in. I admit that I have not gone through the comment review tool or some of your mark ups, I haven't had a chance to do that yet.

But just at the over - you know all encompassing thought was as I was reading these is you know does this particular comment, regardless of where it's coming from does it touch on areas that we've covered earlier in the working group?

Does it reopen discussions that we have either through compromise or whatever we have put to bed? Does it introduce new data that maybe we overlooked or we didn't consider or perspectives that we didn't have in the working group.

And basically was trying to apply some filters or some criteria to each of the comments so that it wasn't just a you know we hate this idea or we love this idea.

You know so I guess it might be helpful and it might help us get through the comments faster if we you know establish at the outset what we wanted to hold up as a yardstick to each comment to determine whether or not it was circling back on previously discussed topics or whether it was something new or it was something that we genuinely forgot or overlooked or something that we're proposing that won't work.

I'm curious if we - if you feel like there's any value in doing that at the beginning.

Alan Greenberg: I'm not sure we need to do it at the beginning but I think that classification is a good one to keep in mind as we're going through it. Having gone through them all yesterday, the only one I can recall that reopens something that we thought we put to bed is the comment from the registries on the change to WHOIS.

Where they said that they had suggested something which perhaps could be implemented which is a middle ground that we had essentially discarded.

Other than that I don't - I didn't find a lot that reopened ones that we need to reopen.; There were a number of things where people made suggestions that were good suggestions and I think we can incorporate them. But I didn't see a lot where people raised issues that we had discussed where in my mind it was - there was sufficient reason to go back and reopen them.

I may prove to be wrong but that was my take. Marika did you - you obviously have gone through them with a semi-fine toothed comb, what is your impression overall?

Marika Konings: This is Marika, I think same kind of feeling. I think there's some where there's some clarification suggested and that I think might be helpful where you know we as a working group have been so you know deep into these issues that we might have missed it.

So certain aspects are not clear on some recommendations, but I agree with your assessment, I think there weren't very many items that brought new information to the table that the working group hasn't considered yet or hasn't you know deliberated on without end.

Alan Greenberg: Yeah, the only one which we obviously have to go through the process of discussing is the suggestion that the eight days is insufficient, which clearly is a disagreement by a number of the commenters.

I think you know this group needs to reopen and decide whether those comments are sufficient cause for us to make a change or not.

James Bladel: That's exactly what I was pointing to or at least was thinking of is what besides thinking that that is insufficient, why is it insufficient? You know I mean where we - we discussed the length of the period I think extensively in our discussions.

So where - when we say that we don't like it or we do like it, why do we not like it or like it?

And that's kind of what I'm getting at.

Alan Greenberg: Yeah, I think when we look at the comments we need to ask those questions and perhaps go back and ask for clarification or additional rationale or something like that.

That's the only one I think that falls into that category. Ron you had your hand up I thought then my screen went blank.

Ron Wickersham: Yeah, I put it up tentatively. Just that the - we discussed it a great length of time this particular issue, the number of days. However the selection of the number was deferred meeting after meeting and then in the rush to get published had the briefest time.

So I don't think it was something that was enormously discussed, the particular number wasn't enormously discussed, just the concept that a number would be there.

Alan Greenberg: Yeah, we've homed in on what is probably the one contentious issue and I'm not sure we need to put that one to bed before we start looking at them overall.

My inclination would be to put that one a shelf until the end but if the group feels otherwise we can obviously continue discussing that now.

Okay, no one push that we do, I would suggest we go into the instrument at this point and start looking at them one by one.

Marika do you want to take a lead in trying to sort of summarize them one by one preferably without reading everything.

But just bring up the issue.

Marika Konings: This is Marika, I'm happy to do so although I think you already provided most of the input on them. So the first general comments that didn't really relate to any specific recommendation, the first one there is actually a comment that was made in the San Francisco meeting asking whether there could be an ordering of recommendations in the order of priority.

Alan Greenberg: And I'll jump in, my response was I don't support this. I agree with the registrar statement that they - all the recommendations should be taken as a group and that we not prioritize them.

The concept of prioritizing is if you're going to be implemented one by one in the order is relevant and there's no obvious rationale for doing that in the recommendations.

We're looking at clearly the timeline to implement some of them will be longer than others and Marika I'm not sure if we say that anywhere but I know in the discussions we said that - we acknowledge the timeline will be different and one shouldn't hold up the easy ones for the ones that will take more time.

We should just make sure that's clear somewhere in an obvious place in the recommendations. I did comment that I thought the recommendation should be reordered to group them together in a logical sense as opposed to the charter questions though. Ron?

Ron Wickersham: Hello, yes. Okay thank you. This is Ron Wickersham speaking . The - since things are phased in could not the group indicate which things do take longer and which things aren't.

And then maybe that was what the question of priority was really addressing. So I think you're saying just in general things may take longer, some things may take longer than others.

But should we not say which things would take longer.

Alan Greenberg: I think we can indicate our expectations. The comment was made however in light of if we only have resources to implement five of them, which five and I don't think it's the groups' intent that we look at it from that point of view.

We have Margie, Marika and Berry, I'm not sure which the order is. Margie?

Margie Milam: Yeah, this is Margie. In terms of priority I can see why that's not you know wouldn't make much sense. But I just wanted to highlight what we've been talking about in the PDP group and the question is whether these recommendations should be interdependent.

In other words when the recommendations say go up to the GNSO council can the GNSO council pick from them or are they you know considered interdependent.

And I just don't know if we've given that much thought to these at this point.

Alan Greenberg: Okay, well we certainly have the opinion of the registrars. Marika?

Marika Konings: This is Marika, I need to know that on that specific item there is a comment further down that talks about the consideration. It is considered all interpedently and one package.

On the prioritization issue I think where we could prioritize is those items that require further work. That actually don't go to implementation because that's normally staff task.

And you know staff might come back and say well we can't do everything at the same time, you know GNSO council what would you prefer, but likely they'll work on the different items in tandem or whatever goes together at the same time.

But for those items where it is actually you know back to the GSNO to do more work, we have certain items for example on you know developing educational materials versus you know ICANN and different groups.

So those are items where the working group might want to consider telling the GNSO council if there's only a few items that you can take on, further work on these are the ones we think are the most important.

But I think most of the recommendations actually relates to implementation work and there might be relevant to give that kind of priority to it as it's more a staff task and you know I think staff will try to do its best to take all this

together, take into account that some items might need longer to implement than others.

For that reason there will be an implementation plan which also will be open for other comments that are still opportunities there to indicate as well.

If people feel that certain things are taking too much time compared to others.

Alan Greenberg: It might be worthwhile for the work group to put an expected timeline or something like that on the various recommendations. Berry?

Berry Cobb: Thanks Alan. I guess you know overall and this is Berry for the record, you know I think overall and what we've experienced over the last couple of months in the GNSO council sessions and certainly Alan when you were part of the council you know this as well as anybody but you know from what I've seen there's been quite - for lack of a better word a quagmire in terms of how things are getting implemented from the output of the PDP process.

And certainly with respect to the RAP while not being a PDP was a pre-PDP you know it's very clear that the council was requiring a lot more assistance in how they proceed with the next steps of implementing the recommendations that came out of that.

And I suspect they'll need that - they'll be hungry for these same requirements when they get the recommendations coming out of PEDNER. It seems to me minus some rough edges we have a very good - some sort of - a pretty healthy consensus model coming out of efforts here with PEDNER.

I strongly advise that whatever we do here in the close of the working group that one of our deliverables is that we put together what we think is probably the best implementation of the policy going forward.

It doesn't need - I know that we're not supposed - we're only policy here and we're not supposed to get into implementation. However we should give them some high level framework of what should be done is my opinion.

Otherwise if we give them the recommendations just as they are willy nilly without some sort of - and I don't really like the word prioritization with respect to this comment but some sort of roadmap on what it should look like.

Then I think it will get torn apart at the council level and we may lose what we gained so much here.

Alan Greenberg: Just for the record on a PDP like this I don't see that council has any responsibility other than approving it and then perhaps periodically looking at the implementation plan that staff presents you know from meeting to meeting.

The PDP output should be sufficient that council does not have any work activities unless we explicitly recommend one of course. James?

James Bladel: Hi Alan, James speaking, thank you. I think I'm going to disagree with Berry a little and with Marika a lot.

I feel like we are discussing this pretty extensively in the context of the PDSC and we have heard a lot of the discussions in San Francisco as council was trying - attempting to prioritize some of its efforts.

I believe that that's a function, the management of the policy process is the purview of the council. I don't think it's appropriate for them to ask each individual PDP to provide a list of priorities because that's in my view that's stating that some recommendations are less important.

And if they were so then why did we make them? You know I truly believe that we should do two things. We should indicate when recommendations are interdependent and we should indicate the level of consensus for the recommendations.

And you know I have probably on my own in this regard but I think that's it, really that's what we need to be handing to council here as a finished product.

I understand that that does not necessarily make their lives easier but it does I believe stay true to the process.

Alan Greenberg: I guess I have a question for any of the speakers who think that we do owe council more guidance as to what to do next. I don't see council doing very much in this other than approving it unless we make an explicit recommendation that says council should form a new working group to do such and such or should further investigate something.

And I don't think we're actually making any of those recommendations. I'm not sure you know to large extent council's job is finished when they vote yes or no to our recommendations and pass it on to the board.

You know typically staff comes back as a courtesy and refreshes or updates them on the implementation progress.

But I don't see council having to do a lot more at this point, maybe I'm missing something. If anyone can fill me in I'd be - like to understand that.

Seeing no one rush to the microphone, Marika are you satisfied with what to write for number one or do you feel we need to discuss it more at this point?

Marika Konings: This is Marika, no I think I have enough to note that on there.

Alan Greenberg: Okay.

Marika Konings: Want me to continue?

Alan Greenberg: Yeah, please. Sorry.

Marika Konings: So coming to, obviously note that they made some comments for what I think should be for the clarification and refinement and the details of those are I think further down so not sure whether we need to discuss that any further now.

Alan Greenberg: There's nothing else that we in our recommendation said some of them need to be refined so I don't think we can disagree.

Go ahead.

Marika Konings: This is Marika, so the third comment really is about - the person that makes the comment makes the point that he feels that there is a statement of recommendation missing which basically states that transfer over domain name during the grace period the RGP shouldn't be allowed unless there is the explicit approval of the RNHA at the time of the transfer.

Alan Greenberg: The use transfer here is not transfer as in IRTP but transfer as in moving from one registrant to another I presume.

Marika Konings: Yes, correct, that's how I interpreted it as well.

Alan Greenberg: Yeah, I mean that's the whole issue of do registrars have the right in capital letters to put the term in their registration agreement which allows them to switch the registrant after registration.

And I think we decided a long time ago that since it doesn't appear that that - you know with the recommendations we're making that does not impact the registrants, the original registrants ability to renew and therefore we decided that was out of scope for this PDP.

Something that a lot of people field and it shows up again later in the recommendations but I think we decided this was not in scope since it didn't stop us from addressing the problems that we're addressing.

Is that the general consensus of the group or do we need to reopen this one?
Ron?

Ron Wickersham: Yes, this is Ron Wickersham, the - if we found that there was that registrant ability to - I'm reading from your comment, that registrant's ability to renew could be guaranteed and I think could is kind of weak as a response.

I mean guaranteed or is only possible to be - could but maybe isn't? And if it is guaranteed could our justification include the guarantee that we relied upon for that?

Alan Greenberg: Anyone else want to try to address that? I think I made my - I thought I made myself clear but James?

James Bladel: Yeah, it's James speaking. So you know we did touch on this I think, some of our recommendations could be construed as it's not guaranteed, let's call them additional protection against loss.

You know we did say that - you know about the eight day period we did discuss that the RAD, I messed the acronym but the person who was the registrant at the time of expiration remains that entity regardless of any changes to the WHOIS record.

So in some ways I think maybe we danced around this issue because it was out of scope but I still - I don't feel that we left the underlying concern unaddressed. I think we've hit it.

That's my opinion.

Alan Greenberg: Yeah, I mean if you look at an alternate scenario or an alternate universe if we had decided that everything you know in our recommendations is true except the eight days was 39, it would have addressed this person's concern without requiring that registrars cannot change the order and transfer the domain.

Not transfer but change the owner. I mean we didn't have a date of 39 or 42 or whatever but we could have put that number in and given the protection that this commenter is looking for without having to invalidate the registrar's ability to use the terms they currently use in their agreements.

James Bladel: Well and if I may Alan, we've also separated the dependency that I think this commenter implies you know is it was said once the WHOIS record is changed that the original registrant doesn't have the ability to recover.

And I think what our recommendations are saying is there are some abilities to recover the name regardless of whether there are changes in the WHOIS.

Alan Greenberg: I think we need to craft the words to answer him carefully and not be glib. From my perspective we have addressed the issue, and yes I understand some people don't like the practice, but I don't think this PDP is the guise under which we can change that.

All right, with the acknowledgement that we're going to have to word this - that Marika will have to word this carefully, let's go on.

Marika Konings: This is Marika, so the next comment is more a general statement for what's to come in relation to the ALAC comments that were made so basically saying that the (unintelligible) recommendations, there's one that they disagree and then there's one other one that they felt wasn't addressed.

And it's actually the next comment which relates to resellers and I think they expressed their displeasure over the fact or the issue of resellers isn't appropriately addressed in the report.

Alan Greenberg: I've hopefully wisely not put comments in on ALAC statements that I personally support. Therefore I'd like someone else to take the lead on discussing item five. James?

James Bladel: Just a question and I don't know if you or any of the other ALAC folks were involved in drafting this language. But I'm curious as to the meaning of the word gaming in this context.

To me gaming usually means you have some insider info that you're leveraging to the disadvantage of other interested parties I guess. I'm not really sure what are the resellers doing in this context?

Alan Greenberg: Olivier or Cheryl want to make any comments?

Cheryl Langdon-Orr: I was going to say now perhaps I've managed to unmute myself which Cheryl Langdon for the record here took me several attempts. My memory on that goes along the following lines and Olivier might have better clarity because it's slightly later in his day.

For example there is a concern that if you had sufficient number of resellers which is bogus or pipes or gives people an advantage, most of the use of gaming in the end user world is often linked with insider information that tends to drift far more into the industry side or the supply side having an unfair advantage to somehow disadvantage the client or end user side.

So we're probably less narrow in our use of gaming. And with that I'll see if Olivier has more clarity and a better memory on that.

Olivier Crepin-LeBlond: Thank you Cheryl, it's Olivier here. No, you've been very clear on this. We're not using the word gaming as restricted the way as the one that was mentioned there.

We're looking at it as a wider thing, I'm not sure if you hear the noise in the background, there's a wider view of insiders being able to play the system to their advantage.

Thus not affording the usual average internet user out there the fairness that they should be afforded. Thank you.

Cheryl Langdon-Orr: I'd give less concern - Cheryl again, I'd get less concerned in you blocking up in the word game or gaming and if you like insert lack of trust or continued lack of trust.

If that makes it easier to prioritize and analyze.

Alan Greenberg: Michele?

Michele Neylon: Okay, right in the chat there both myself and James have thrown around a couple of words that might suit potential replacements for the term gaming.

I mean abuse, exploitation, exploit, I haven't looked at the original ALAC document that doesn't really explain the reference very clearly.

But speaking to the actual comment as it stands, I mean ultimately as we've said ad nauseum, resellers - ICANN accredited registrars are responsible for their resellers.

So if there's an issue the only sane way that we can actually address it at present is for you to raise an issue with a policy or a process involving registrars as we're the only ones that are bound by a contract.

So I personally kind of find the comment, it's like while I can try to understand where they're coming from it would be helpful if ALAC gave more detail on exactly what issues they see as being - how can I word this - specifically related to resellers, that aren't bound by registrars, contractors, something.

I'm not - I'm just having difficulty getting my head around it. Thanks.

Alan Greenberg: Yeah, I put my hand up as a participant and not the chair. I guess ultimately a lot of the ALAC comments you know come from me because I've been interacting with ALAC for the last two years or two and a half years on this overall issue.

And resellers have always been one of the thorns because they're virtually always involved in you know the anecdotes and reports of problems.

And that was why I was pushing within the work group to have an explicit statement you know say that you know what - essentially what Michele said everyone knows, but put it explicitly.

And make it clear that all responsibilities have to be carried out regardless of whether it's done by the registrar or the reseller on their behalf. And you know I believe that a statement like that would have given a level of comfort which the silence, simply because we know it's contract law does not.

With that I'll put my hand down. James?

James Bladel: Yeah, just to probably build on that, you know I know that - we just had a - we've got a gap here. I think that you know when we discuss resellers in the context of you know the lack of control is the term that Cheryl used or you

know how long of a leash the resellers are kept on might be another way of putting it.

I know that there's - you mentioned it's always a perpetual thorn in the side of the ALAC so I think in the registrants its continuous confusion.

Because you know the resellers are either authorized or not authorized. They are either under contract or not under contract with the - you know they have to be under some sort of agreement with the registrar, the accredited registrar, the accredited entity. But the important thing is that they really just don't have an existence where ICANN can hit them over the head.

And if we were to define that and then accredit resellers then it would move one more step further down the road and you know the different other companies in the eco system would take that role.

So I just - I feel - I understand that there's these concerns but I think that we're trying to see realistically you know there's the resellers don't sign the RAA so we've got to hold the registrar of record accountable for the actions of their resellers.

And then either trust or go after those registrars when we feel that they've lost control of their resellers.

Alan Greenberg: Yeah, I guess the answer to this one is you know we discussed this a lot. We in fact had some draft recommendations in which mentioned resellers. They ended up getting deleted along the way based on a combination of advice from ICANN and the inability to settle on words that everyone was happy with.

And I think we have to simply on this one say we are divided, we couldn't come up with a recommendation which would satisfy all of the parties that we could - you know that we felt comfortable with.

And if that means this is one of the areas that we failed on from the point of view of some groups then I think we have to live with that. I'm not sure we can reopen it and fix the problem any better now than we could have originally and as much as I or others might want to see this addressed in a different way, and certainly not by the way James in the extent of licensing and accrediting resellers.

That was never the intention.

Cheryl Langdon-Orr: I'd be happy to go there though.

Alan Greenberg: Well you can take that battle on Cheryl.

James Bladel: Yeah, Cheryl I was pointing out that you know we have resellers and we had resellers of resellers and we have resellers of resellers of resellers and if you license let's say tier one, then tier two just moves up and takes it's place.

And we create tier N plus one. So it's this seeing that we will never get to the - you know this is part of a commercial food chain. What we need to do is go to that one - we need...

Cheryl Langdon-Orr: it's where education of the registrant comes in as well. They then have an ability to say who I am purchasing off, and what risks I'm taking goes along the lines of informed consent and that they understand the difference between a reseller and a registrant.

And let's face it you all know that many of them, most of them don't.

Alan Greenberg: May I suggest that this is an interesting topic that perhaps warrants additional policy work or community input work. But perhaps is not - really not part of this PDP.

Cheryl Langdon-Orr: It's not.

Alan Greenberg: It's certainly a wider issue than just post expiration renewal issues. Anyone feel uncomfortable with walking away from it saying maybe we failed, maybe we didn't but we're not going to go any further into it at this point.

Why am I never invited to those? I'm not sure. I'm not reading this chat well enough.

Cheryl Langdon-Orr: James, talk to Michele on that mate.

Alan Greenberg: Oh, something about beers. I want to be invited too. Can we all agree we're walking away from five? It's an issue that we're not likely to come to closure with and although it's relevant to the PEDNER PDP it is not - PEDNER is not the sole thing it is relevant to.

James Bladel: Right, it kind of undercuts a lot of things, it's not PDP's place to solve that, it's PEDNER's place to solve it.

Alan Greenberg: Well if we could have it would have been nice. But as I said I personally would have liked at least a statement in the RAA making it clear we didn't come to closure on that.

And I can't see we're going to in the next three weeks either. So I think we're going to have to declare failure to resolve this to everyone's satisfaction and walk away from it.

Mikey?

Mikey O'Connor: Thanks Alan, it's Mikey. You know that last little bit that you just said, sort of strikes me as a pretty good summary for most of our responses to most of these issues which is yeah, we considered that and we did the best we could, thanks for your comments.

But this is what we got. And I'm sort of swinging back around to James' initial question right at the top of the call which is do we really need to go through - I mean we're five in, I mean this process if it continues at this pace will certainly blow our Singapore deadline.

I'm just wondering if there isn't another way to tackle this that might be a little faster. Because this is feeling like ripping the Band-Aids off of old wounds and we kind of rip off the Band-Aid and poke ourselves hard with a stick and then finally at the end we put the Band-Aid back on.

You know I'm not sure that it's really that useful.

Alan Greenberg: In retrospect I think I would have suggested that we put the general non-focus ones at the end instead of the beginning. I think these are the ones that are vague wishy-washy ones and they're taking more time because they're the - they're not targeted.

So I don't think the time we're taking on these is indicative of what it's going to take for the rest of them, at least I hope not. Olivier.

Olivier Crepin-LeBlond: Thank you Alan, Olivier (cablanco) here. I was just going to also say something similar to that.

I do agree that the subject is a recurring subject, the subject raised by ALAC and it's something which we'll be raising again and it probably touches on more than one subject, including the educational side of things, education of the registrants.

So I'll just -t hat was just a comment I wanted to make. Thank you.

Alan Greenberg: All right, if everyone's happy with five let's go on to six and see if we can start - make our way down to real recommendations soon. Marika?

Marika Konings: This is Marika, on six I think this is well just a prelude to the comments that (inta) is making, they're basically saying that they added some sort of detail in the clarification to some of the recommendations are that in their comment and so they want to make sure as well that they see the value of standardization of their process as well.

So I want to make sure that there's no additional cost involved, unintended consequences that you know might harm right of consumers and brand owners. So I think this is just a prelude and we'll see in further detail in their comments what kind of clarification they are actually looking for.

Alan Greenberg: All right, I don't think that requires specific answers. Seven?

Marika Konings: So the next comment is from the registrar stakeholder group and as we mentioned before they're actually noting that in their view all the 14

recommendations are interdependent and should be considered and adapted as a group by the GSNO council when they consider it.

Alan Greenberg: And I said I tend to agree. Is there anyone who disagrees that they be treated as a group? Many kicks, I've never seen that many kicks that quickly before. Thank you all.

Cheryl Langdon-Orr: That could almost be consensus.

Alan Greenberg: We could do a poll on that. You do your poll with the VI follow on.

Mikey O'Connor: I've got a sad story to tell about that. The button guys went ahead and made the buttons without my approval so there's no need for a poll.

Alan Greenberg: Oh life is full of problems. Number eight.

Marika Konings: This is Marika, so number eight actually relates to section seven, the deliberations of the working group relating to charter question one and the registry stakeholder group actually notes that they feel that the issue of calls they made as part of audit renew grace period are not adequately addressed.

I think they - as I read their comment they seem to believe that the way it's written it appears that the registrar is absorbing extra cost while I think they point out that the registrar actually is reimbursed by the registry if the domain name is deleted.

I think they're just asking for a clarification of that.

Alan Greenberg: I went and reread that section in the report and I didn't read - I didn't see what they seem to be referring to. So Marika, maybe if you - if it's not obvious to

you on reading, maybe you can follow up with (David) and try to understand what the specific wording is?

Because I read it and it looked clean to me.

Marika Konings: Okay, I can check back with (David) and I don't know if (Michael) has been involved at all in drafting this as well but I'll check.

Alan Greenberg: (Michael) or (David), although (Michael) is not technically a registry any more so I'm not sure he can speak on their behalf.

Marika Konings: Right, I'll check with (David) and get clarification on that.

Alan Greenberg: All right, we've made it through to real recommendations, number nine.

Marika Konings: Number nine the first comment is from the IPT and they recommend that the definition is updated so that it reflects also that it's - doesn't apply to a registrant that has not URS proceeding as they know that such suspended domain name should follow a different set of processes.

Alan Greenberg: although I'm not sure we're going to find it easy to get the wording. I don't disagree in concept. James?

James Bladel: I don't disagree with the concept but is this the place to solve that or do we need to make sure the language of the URS solves that? I'm concerned that we don't want to pass all of the exceptions into this process because there could be others that come down the pipeline later that may also need to be specifically called out.

I think if we could put that language there it would be more efficient.

Alan Greenberg: I guess I tend to agree with you because the - I don't know, one has to look at the existing RAA and where it talks about responsibilities and rights of registrants or registrars for that matter.

You know all of those get addressed by - or potentially altered by URS or UVRP actions. And I think we need to be consistent in how we cover those.

I'm not sure the right answer is as suggested here that each definition you know cover it. But clearly there needs to be some overriding one. So I think we need to get lawyers involved in this.

But no one disagrees with the intent so Marika? Michele disagrees with the intent.

Marika Konings: This is Marika, I'm you know one way forward could maybe be instead of you know changing the definition is provide an additional note to the recommendation you know as part of an implementation consideration.

And just basically call that, you know where this would fit best because I think they're the probably most knowledgeable as well and on how the URS is structured or whether it should fit better in the UDRP and so maybe it's just an implementation you know we provide with this recommendation noting that this shouldn't apply to domain names that are on the URS or where you know URS has been lost so that address them in that way.

The people know where it gets passed and how it should be written out.

Alan Greenberg: I think that's a good comment, we're not actually crafting RAA words here, although we're trying to be as close as we can. I think your point's well taken.
Michele.

Michele Neylon: The URS currently doesn't exist.

Alan Greenberg: No, correct.

Michele Neylon: We're having enough difficulty working our way through policies related to things that currently exist and I would humbly suggest that we don't try to come up with wording or policies or processes to cover things that haven't been finalized as yet.

So I would note their comments but you know you've got to go look, as a scope. On a side note to that, if there are issues with this, with these kinds of scenarios which would also come into play with UDRPs, then we would set something on the lines of this would need to be addresses as a part of a broader revision of the URDP.

Alan Greenberg: Yeah, I mean I think our intent when we've been doing all of this is to be talking about situations where there are not you know cases before judicial bodies of one form or another in terms of you know proving who is the person who has the rights to do something.

So I think Marika's comment is right on that we need to make sure that those who draft the final words make sure that that intent is covered and I guess in our recommendations we need an overriding statement to that effect.

But I don't think we need to try to craft the right words. And all the more so I think for something that doesn't exist yet which presumably is being crafted as we speak.

Number ten?

Marika Konings: This is Marika, so support for the recommendation by the BC to ALAC and Inta, Inta does know that in their view the second part of the definition is less clear and you know they recommend clarifying that applicability or the rationale.

And I think this might be one of the items where I think it's very clear to the working group what we meant with that part, but maybe indeed it needs to be something that's clarified around the detail what the intent was behind that.

Alan Greenberg: Marika, my memory is that was added by staff to make sure that the future changes in the registration agreement did not find a gotcha and invalidate the intent of the definition of the registered name holder at expiration.

But did not necessarily map to a situation today.

Marika Konings: Right, I think this would be the rationale behind it is that currently most registration agreements provide for provisions that upon expiration with details can be changed.

So it was just basically to avoid and that would be a situation where that is changed as saying one hour before expiration we're certainly going to change that. So it's basically indeed to prevent something like that would be created instead.

So I think that was the situation we're trying to address, but maybe we need to look back to clarify what the intent was so it's clear as well for those that haven't been participating in all these calls what we're trying to say.

Alan Greenberg: Okay, let's go on. Number 11?

Marika Konings: This is Marika, number 11, this concerns recommendation two and I think the most comments that we received actually related to this specific recommendation. So the first comment basically says there should be person fields so that there should be 12 working days instead of 8.

Alan Greenberg: I would suggest that we defer discussion of the various recommendations for longer periods than eight and discuss them as a single group towards the end of this discussion, unless there's any great desire to do them one by one as we go along now.

Ron and James, in that order.

Ron Wickersham: Wickersham, yeah, I'm not commenting specifically on number 11, but on the above recommendation number two that was brought up there the - in order to make consistency that can be understood by a registrant, should the right of the registrar to delete the domain name at any time be allowed on a case by case basis or only on a policy basis?

I mean if one registrar says as a policy we delete all domains as they expire then that's something that can be understood. But it does affect registrants if a registrar has the right to delete it on a case by case basis and the registrant doesn't know what's going to happen in that case.

Alan Greenberg: Currently - James you had a comment then I have a (unintelligible). And I have to switch phones because my battery is about to die on this one.

James Bladel: Okay so just quickly this is James, I was thinking there were 13 questions under this recommendation, perhaps we could divide them into questions about the length of the recovery period and questions about other things, for example DNS resolution path and what it means to be interrupted.

I was thinking that you know maybe we can divvy them up that way, might make a little bit cleaner of a discussion on this charter questions, that seems to be the bulk of the comments.

Alan Greenberg: I agree. Marika?

Marika Konings: This is Marika, I think in addition to the length of the period I think there are also some comments that relate to when those eight days should take place.

I think that's another maybe category as you're trying to separate IMs in relation to this recommendation, I think it's the duration but also when that duration should take place, there's some comments that relate to that as well.

Alan Greenberg: Noted. In terms of Ron's question that's an interesting issue. James, maybe you know, the terms of the RAA say the name may be deleted at any time post expiration.

There is no requirement that the registrar informed the user ahead of time what their deletion policy is though, is that correct as far as you know?

James Bladel: I don't know. I don't believe that's correct because that would be in the EDDP somewhere, correct?

Alan Greenberg: You know I think the EDDP just has a blanket statement like we do, saying you know notwithstanding.

James Bladel: Okay, but you know I think to understand Ron's question I think - well I don't want to presume to understand it. Maybe rephrase Marika's...

Alan Greenberg: Well my understanding of Ron's question, Ron tell me if I'm wrong is that currently with the words that we have and I believe the words that are currently in place, a registrar can on a case by case basis decide this is one is one we deleted day zero, this one is one that we deleted day ten and this one is one we deleted day 45.

You know that there's no requirement that they be consistent or uniform in it.

James Bladel: No, and nor should there be. I mean they could have different market segments, different geographies.

Alan Greenberg: Well they could be covered by different registration agreements. I think we're covering them in that although there may be a cost issue in it, we're saying that if it's deleted it must go into the RGP which gives the registrant 30 days.

So I think we're covering them through the RGP and I can't see any rationale within what we're doing to restrict the registrar in an ability they have right now and to change that just so we can make it clearer to the registrant.

That sounds like too large a change to impose on registrars without a strong enough motivation. Ron, or Marika - I don't know who was first. Marika why don't you go first then Ron.

Marika Konings: This is Marika, I actually just posted in the chat the language that's from the EDDP and it should be in the new REA where it does state that the details of the renewal or the deletion and other renewal policies must be clearly stated on the website.

There is a general - I mean I presume they don't have for every registrant the different deletion policy out there so it does presume a kind of uniform approach.

Alan Greenberg: Yeah, I mean the policy could be we select a random number and that will determine when we delete but not likely. Ron? Are you still with us Ron? James why don't you go ahead. Ron will pick it up after. Is James still with us? Ron I see is muted.

James Bladel: James is on mute. Sorry, go ahead Ron.

Alan Greenberg: Well Ron is on mute also.

James Bladel: Okay, well Marika (unintelligible). I'll withdraw. I think that it's important that we in our drive to present as uniform an experience as possible not drive out any distinctions of choice for businesses or for the consumers that you know partake of those businesses and services.

So that's just a general observation.

Alan Greenberg: Okay. And I think the words that Marika posted from 3.7.5.5 are about as clear as we're likely to write.

Ron Wickersham: This is Ron again, may I speak?

Alan Greenberg: Please go ahead.

Ron Wickersham: Yes thanks, yeah, I got temporarily disconnected. The - does our notification, the way we've worded our notification include that the - even if they delete it at one day, five days or random period that that notification has to be sent to the registrant?

Alan Greenberg: I'm not sure what our wording is. I believe the wording is talking about renewal and if it's already been deleted I would think there is no obligation to send a message to inform them that it's not renewable any more.

I guess a registrar could do that, I'm not sure I want to require it.

Ron Wickersham: But it is recoverable but not renewable right?

Alan Greenberg: It's recoverable but not renewable.

Ron Wickersham: But our wording says it's deleted then the registrar has no more obligation to communicate with the registrant is what I understand.

Alan Greenberg: Other than to implement the - to invoke the RGP.

Ron Wickersham: Right.

Alan Greenberg: There's no proactive requirement to communicate at that point, no.

Ron Wickersham: Okay.

Alan Greenberg: James?

James Bladel: Okay, I had a strange question here. And maybe we've discussed this, I missed a few calls there I think towards the end of February. But did we discuss that mathematically we have effectively eliminated registrars that might offer grace periods of less than eight days?

So that essentially if you go past the expiration without deleting it you must have a minimum of eight days in your time period. In other words you have no - on the expiration date you either delete it or you're stuck with it for a minimum of eight days.

Alan Greenberg: Our words say notwithstanding the registrar may delete the domain at any time during the auto renew grace period.

James Bladel: Okay, so we are accounting for that, two three days in and say you know what this just really isn't for me, I'm having a cash flow problem this month or whatever, and it's up to the registry to recover these now and then they can throw them back.

Alan Greenberg: That's the current situation and I don't believe we changed anything in it. We went to great pains to make sure we didn't change anything in it.

James Bladel: I thought so too but I just looked at it from a different angle and I agree with you that we have covered that.

Alan Greenberg: Certainly that was the intent, if our wording isn't right we can fix it. But that was the intent and the wording seems pretty bulletproof to me.

Let's proceed.

Marika Konings: The next comment, number 12 if registrars are going to be required to hold the names for eight days past expiration then registries should not be allowed to collect renewal fees until this eight day period ends.

Alan Greenberg: And my answer was registrars have the ability to delete, if they choose not to that's a business decision exactly as it is today.

So I don't think we sign - or need to change the existing business rules.
Everyone happy with that answer? No complaints, let's go on.

Marika Konings: Number 13 is a clarification that was suggested at the San Francisco meeting basically that we clarify that - want to talk about must be interrupted that this is done by the registrar, not the registry.

Alan Greenberg: That is a good point and we should note that an issue was raised after the San Francisco meeting or at least after the physical meeting in the room that Michele correct me if I'm wrong but it was dot tel, registrars don't have the ability to do this?

Michele Neylon: That would be correct.

Alan Greenberg: So I think we need to cover that somehow. I'm not sure we want to - Marika may be you can look into what the details are and brief them on that.

Michele Neylon: It's very simple. I mean the Telnet contract with ICANN is very specific. And mandates which kind of DNS records may or may not exist for dot tel domain name.

The key facets are that a records cannot really exist and at present all dot tel domain names and their - inverted commas website or content or records or however you want to describe them are all hosted by telnet.

So in other words the registry acts as the hosting provider for all of them. The only record that currently related to something kind of - in terms of traditional hosting that we could point externally would be MX records which can be specified.

But every single dot tel will have the same set of name servers. So any things that happen regarding a dot tel domain name are - is controlled by the registry. The only thing that the registrar would control obviously is whether they are sending a renewal or an extend, delete, whatever type command.

The thing is that we have no way of knowing what kind of models some of the new TLD operators will envisage. So whether or not this kind of scenario happens again in the future or not is impossible for us to say.

But then again you know DNS providers as James suggests is probably a safe way of dealing with at one level as long as you qualify it.

Alan Greenberg: Michele would we address the current problem by a proviso in this recommendation that - and I'm not trying to wordsmith it here but to the extent that a registrar has the ability to change DNS resolution for a domain they must do this.

Michele Neylon: Oh yeah, I'm not trying to - I mean for one side I'm not trying to be kind of awkward here, I'm just trying to be...

Alan Greenberg: No, no, I wasn't thinking you were awkward. I'm trying to you know think on the fly, do we catch this case where a registrar simply doesn't have the ability to do it by saying if they don't have the ability they don't have to.

Michele Neylon: Well they can't. It's not that they have to, you can't oblige - legally you cannot oblige me to do something that isn't within my power to do so.

Alan Greenberg: Yeah, all I'm saying is if we put a proviso like that in, it sounds like we're addressing the current problem.

Michele Neylon: Personally I'm happy with that.

Alan Greenberg: I mean maybe we need to look at it and say the situation still exists for dot tel and therefore we need to put the onus on the registry to do it.

I prefer not to go in that direction if we can avoid it unless we know there's a real problem with dot tell renewals.

I certainly haven't heard of any reported.

Michele Neylon: I'm not going to speak to that.

Alan Greenberg: Okay. James?

James Bladel: Yeah, so just thinking about this, consensus policy is not just for registrars, if we want to compel the registries to do something I think that is definitely within our remit to include them in this recommendation.

The other thing to point out is that DNS providers is that may not even be a contracted party. So I don't want to over complicate this here, but Michele raises an important exception with dot tel.

And with new gTLDs coming it's possible that other folks may also have clever ideas on how to get the DNS to do some new tricks.

So I think we need to be careful here. I think within their power or within their ability to interrupt the service is probably sufficient for 90% plus of cases.

But I certainly wouldn't want ICANN compliance to give me a call saying I didn't do it for a dot tel.

Alan Greenberg: All right. Marika, that's noted and I guess when we come back to refining wording we'll try to do something about it.

Marika Konings: This is Marika, on the next one I think comments 14, 16 and 21 are related in relation to when this a date period should take place.

I don't know if you want to take them together or skip them for now.

Alan Greenberg: Well that's 814 and if the other one answers the same then so be it. What does it say, the...

Ron Wickersham: This is Ron, I still have one brief comment. On the wording I think rather than being - trying to wordsmith generic things, I think just giving the example of the dot tel would be - make it clear and understandable and trying to not mention their names specifically would get in the area of somebody reads it and says what in the world is that for?

So I like the idea at least in our report of being as clear as we can be.

Alan Greenberg: Yeah, I think in a number of cases as we went along it looks like we really need a rationale or additional comments on the recommendation to help explain them, and this may be one of those cases. So I agree with you.

Marika, where were we? This is number 14 now?

Marika Konings: This is Marika, yes, that's correct. The IPC in relation to the A date, period date, they object to the fact that this is a floating period and they suggest that it should be a strict and easy identifiable term for the RNH.

Alan Greenberg: And I think the answer to that one is we carefully crafted it as not being a specific time to allow for different business models and for those registrars that want to delete very quickly or reassign very quickly, it could come at the very beginning.

For those who wanted to provide business continuity and not disrupt the domain while they're trying to reach the registrant and get it renewed, which I think was certainly of import to the business community among others, that registrars be allowed to do that.

And this gives them whatever model that they want to, want to use. So I don't think we want to change that, although I can understand the desirability of clarity and simplicity.

That a generally accepted answer? Anyone disagree? Nobody's saying anything so either you've all gone to sleep or everyone agrees. Number 15.

Marika Konings: This is Marika, the recommendation 15 also from the IPC, they note that we should - the right of the recommendation to make sure that it accommodates when that domain is suspended under the URS that the information web page should not be interrupted or is exempt from this recommendation.

Alan Greenberg: Point taken.

Marika Konings: Move on to the next comment, 16 also relates to the eight consecutive days also noting that random might only create confusion and suggestion here is that the interruption should start at expiry and continue through the whole grace period RGP until it's renewed or restored.

Alan Greenberg: Okay so he is suggesting the - that it start at the beginning and go for the full 45 days or until it's deleted. Again the subject of length we will talk about separately in terms of starting at the beginning.

I think we've already addressed that. Seventeen.

Marika Konings: Next comment, Number 17, person provided a concrete definition for what DNS interruption should mean.

Alan Greenberg: And my comment was if it's not clear now we need to make it clear and footnote explanatory note or whatever should make that clear. Eighteen.

Marika Konings: This comment relates to more question, why should a registrar have the right to delete a domain name at any time during the auto renew grace period, why not only in the last five days of that period?

Alan Greenberg: And I think we've already addressed that. It's a current provision, we saw no need to change it to address the problem that we're trying to address. Nineteen

is a length of time one, maybe we won't talk about it. Twenty is the same thing.

I'll point out that 19 and 20 are slightly different in their wording and I will admit that Berry and I did have a private discussion about this. The BC suggestion says that the eight day period be increased to be 30 days, which implies 30 days of blackout.

The ALAC comment said the period should be increased but not necessarily the blackout period and those are two subtle differences.

Berry do you want to comment, are you standing by the exact wording or was your intent essentially what the ALAC said?

Berry Cobb: Hi Alan, the latter, thank you.

Alan Greenberg: Okay, so we can treat the BC comment essentially as being equivalent to the ALAC one in terms of not necessarily requiring a full blackout for the full guaranteed period.

But we'll discuss the period later. Twenty one.

Marika Konings: Comments from INTA and they're requesting a clarification and when that eight day period should take place, I guess if it's not clear from the recommendation maybe that's something to emphasize either in the rationale.

Alan Greenberg: Yeah, I think it was clear enough that they understood it. But yes, I think we're going to have to go into some depth about this one just to make sure there is no misunderstanding, among other things for those who actually are

writing the words for the RAA. Twenty two. And I note we're nine minutes before the call so let's try to perhaps stop after this one.

Marika Konings: This is Marika, this is another comment from INTA, they also request a clarification here, they note that the time frame in which a registrant must have the domain resolved from it's original DNS path is not specified but it's just stated that within a commercially reasonable delay.

Alan Greenberg: That one if I remember correctly we said something like immediately or some word similar to that and that was one of the registrars on the call suggested that we give them a little bit of latitude to be a reasonable time delay.

And that resulted in the commercially reasonable delay. I noted in my comment that sometime in the last few weeks I read some document and I can't remember for the life of me what it is.

It was either UDRP or IRTP which - where it talked about the registry being required, I think it was reversing an IRTP transfer that the registry had to do it effectively immediately.

I don't remember the exact words but it was - it wasn't nearly as flexible as commercially reasonable delay.

Does anyone else recall reading that or writing it perhaps, James?

James Bladel: Well the transfer reversal process went away. It was negotiated into a puff of smoke or a pile of bones within IRTP. But I think it did contain that.

I think it also said something along the lines of commercially practical or reasonable or something like that within the new replacement system that

we're proposing, the emergency action system as well as other systems in the RAA< for example the updating of WHOIS information when you receive changes from the registrant.

You know how much time does the registrar have to get that to the registry. And I think that we're trying to allow for different levels of services, different levels of technical acumen, the possibility that the connection between the registrar and the registrar is something that's not owned by either party and therefore they are somewhat dependent upon outside parties as well, outside service providers.

So I think having you know reasonable or commercially reasonable or commercially practical is probably the best and most appropriate language.

Alan Greenberg: All right, I guess if better words are coming out of some other process in the same time frame as we're writing them let us know. Other than that I think we'll stick with this one until we have someone suggesting something better.

And shall we stop now? I don't mind giving us two, three minutes off. We've gone about a third of the way in and that was including the first five or six which took a significant amount of time.

So I'm comfortable that we're making good progress here and I would suggest that we keep on doing this in the next meeting and perhaps we'll get through the bulk of them at the next meeting. Anything else needs to be discussed or do we adjourn and give you each two or three minutes on your own?

We have a couple of okays on the chat and then I thank you all for your participation and see you in a week or on the web or rather the email list some time before. Thank you all, bye bye.

Mikey O'Connor: Thanks Alan. Bye.

END