ICANN
Transcription
IRTP Part D Working Group meeting
Monday 26 August 2013 at 15:00 UTC

Note: The following is the output of transcribing from an audio recording of IRTP Part D Working Group call on the Monday 26 August 2013 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

http://audio.icann.org/gnso/gnso-irtp-d-20130826-en.mp3

On page: http://gnso.icann.org/calendar/#aug

Attendees:
Chris Chaplow - CBUC
Avri Doria - NCSG
Kristine Dorrain – NAF
Kevin Erdman - IPC
Angie Graves – CSG
Volker Greimann - RrSG
Barbara Knight – RySG
Bob Mountain – RySG
Bartlett Morgan - NCUC
Mikey O'Connor – ISPCP
Graeme Bunton - RrSG

Apologies:
James Bladel - RrSG
Holly Raiche – ALAC
Rob Golding – RrSG
Paul Diaz - RySG

ICANN staff:
Berry Cobb
Julia Charvolen

Coordinator: I'd like to remind all participants this conference is being recorded. If you have any objections, you may disconnect at this time. You may begin.

Julia Charvolen: Thank you (Kelly). Good morning, good afternoon, good evening everyone and welcome to the IRTP D Working Group call on Monday, 26th of August 2013.

On the call today we have Avri Doria, Angie Graves, Volker Greimann, Barbara Knight, Mikey O'Connor and Graham Bunton, and we have apologies from James Bladel, Rob Golding, Holly Raiche and Paul Diaz. And from staff we have Berry Cobb and myself Julia Charvolen.

May I please remind all participants to please state their names before speaking for transcript purposes. Thank you very much, and over to you Mikey.

Mikey O'Connor: Thanks Julia and welcome everybody. We also have apologies from Marika and Lars on the staff side. I think they're on their way to various sundry places, so we'll carry on although I think we'll probably revisit this conversation because we are a little sparse on the representation at the moment. But maybe we can sketch out some preliminary ideas on some of these today and then circle back to them next week when we've got a little bit bigger group.

We'll take our standard pause for changes in the Statement of Interest and also any additions or changes to the agenda. And I will take this opportunity to just note that the ISPCP has named me the Councilor Elect. So (Buenos Aires), I will be replacing Wolf Ulrich on the Council, (unintelligible) SOR.

Any others?

Man: (Unintelligible).

Mikey O'Connor: Pardon me?

Man: Welcome to the mad house.

Mikey O'Connor: Thank you sir, it's going to be fun. Okay, let's dive right in and we'll sort of keep an eye on attendance and see if we pick up some folks along the way.

What's on the screen right now, and I'm going to unsync it so that you can move around, is our summary document on Charter Question C. And so I thought what I would do is just sort of replay the conversation we had; just sort of the pasty bits are bolded there. On the left side are the comments from the business constituency on the Registry Stakeholder Group, and on the right are some of the conversation we had in responding to those. And I think now it's time to sort of move on to starting to see if we can sketch out some recommendations.

And I've seen some folks join. Welcome Kristine and Chris, great to have you. Chris Chaplow and Kristine Dorrain, great to have you.

Chris Chaplow: Thanks Mikey.

Mikey O'Connor: So the charter question, as you can see on top of the screen, should dispute options for registrants, should be developed and implemented as part of the IRTP. Currently as you all know, this is a process that starts with the registrars and there really is no formal mechanism for a registrant to initiate a proceeding; they need to rely on the registrar.

And both of the comments support the idea that there should be some sort of mechanism that registrants could initiate something like this. And there are several points that - comments to make. One is that the BC points out the need for being able to do this when they go to their registrar and the registrar declines to initiate it, and then the registries point out that there is a potential for gaming this. And so we need to pay a bit of attention to this process from that vantage point.

So with that, then looking on the right side, you can see some of the conversation that we've all ready had about this. One of the questions that I think we probably need to comment on, presuming that we do come up with a recommendation, that some sort of mechanism ought to be available to registrants. One of the things that we probably ought to touch on when we

describe that mechanism is sorting out who is the final authority from the standpoint of the registrant. This is the old administrative contact versus registered name holder, puzzler that we've encountered in previous versions of this.

And then I think maybe at that point I'll stop because the next one gets pretty dense. And I think rather than just dragging you all the way through it, this might be a good place to stop, and maybe first have a general discussion about whether there is still fairly broad agreement that some sort of mechanism should exist and maybe start brainstorming a bit on what that mechanism could look like.

Does anybody want to throw something out there?

And Berry, just to clue you in, usually the habit on this, especially when I'm chairing, is I'm no longer doing my intense note taking as it just got to be too much. So if you could be sketching out the notes as we go, that helps. Basically the target coming out of this conversation is a very first rough draft of the final report section on this so we're going into drafting mode here, and if you could be taking notes with that end in mind, that would be great. Thanks for the checkmark.

With that, anybody have any thoughts about what a mechanism like this could look like if they want to volunteer? Don't all speak at once.

Chris, go ahead.

Chris Chaplow: Thanks Mikey, I'll have a go.

Just before the mechanism, the other issue you mentioned was the old registered name holder and admin contact. So my two pennies worth on that would be more-or-less keeping in line with a lot of other areas which is authority can be either admin contact or registered name holder, but the

registered name holder trumps the admin contact in the event that there's a discrepancy or a disagreement there. So that would be my thoughts on that one.

And moving on to the mechanism, just to throw something onto the table with a simple mechanism, really that the registrant would have the opportunity to right to the registrar and formally request that they start a TLDP. And I think that's a simple mechanism.

We could also think about if they don't, what would happen. I suppose the loser recourse - perhaps a recourse to ICANN after a period of time. But that's just an idea for a very simple mechanism. Thanks.

Mikey O'Connor: Thanks Chris, and let me tie us back on your first comment. I think we have language in the IRTP now that describes that hierarchy of admin contact and registered name holder that we could refer to in our deliberations.

One of the things was that these questions were framed long before that had been discussed and decided, so that would be something we'd tie back too.

And with that, Kristine, carry on.

Kristine Dorrain: Hi, thanks. So I support the notion that there be some sort of checkbox that the applicant has to provide to say they've all ready tried to get their registrar to work out this process. I know that's something that the trade PDRP and the IRDRP are doing is they've got to fill out a problem report with ICANN first, and then they to affirmatively state that they've done. So I think that's a good way to go.

And I also wanted to point out, and this is - I'm hoping it's not too (tangential) because I'm here as a provider and I want to make sure that there are mechanisms for the people who come to us and say, "Hey, I'm having problems." And I just want to make sure that those are all addressed.

So I would be open to, and I don't know if this is even within the scope of this working group, but not only have a sort of policy, and whether this is a new policy or an addendum to the TDRP or something. But only where the registrant can get a transfer dispute policy for it unauthorized transfer, but also for a transfer that isn't occurring if they show that they have ownership.

Because one thing I get is somebody hired a Web host to like develop their Web site, and then that guy or woman or whoever runs off with the Web site or just runs off and doesn't, you know, leave anybody with control of the Web site. And then the registrars frequently tell them to bring a UDRP dispute. But as we know, the UDRP dispute is against trade for trademark holders.

And a lot of times these people are just sort of startups; they don't have a trademark or maybe they never were going to have a trademark. So they really don't have any way to get control of their domain name after this Webhost has sort of like run off to wherever or died or whatever.

So I would be interested in finding out if people think it's within our charter to think about those kinds of transfer disputes also. So not just the transfer that's all ready happened, but transfers that people are trying to get to happen, but nobody can make it happen because, you know, of who is listed as the admin contact or whatever.

So I guess - I just wanted to throw that out there for discussions and see if that is something we see a lot in conjunction with this unauthorized transfer business. I don't know if there's a policy or a way that we can kind of mash it all together or not.

Mikey O'Connor: Thanks Kristine. I think those are both pretty interesting ideas. Let me just jam something into the transcript so that we don't forget it.

You mentioned that there's language either in place or being developed in the trademark area. Can you circle back around? You skipped through that really quick and I didn't catch where that's being done, because I think one of the things we might want to do as we often do is take a look at that language and see if we could mirror it if it's appropriate.

Kristine Dorrain: Yes, absolutely. Yes, so I'm looking in front of me right now, I'm looking at the Registry Restrictions Dispute Resolution Procedure which is the new - one of the new gTLD procedures. And in order to participate in that process, the party complaining against the registry has to have filed a Registry Restriction Problem Report.

So there's a specific footnote in that policy that says, "Initial complaints that a registry has failed to comply with registry restrictions shall be processed through a Registry Restriction Problem Report System, RRPRS, using an online form similar to the WHOIS Data Problem Report System, WDPRS at Internet dot net. A nominal processing fee could serve to decrease frivolous complaints. The registry operator shall receive a copy of the complaint and will be required to take reasonable steps to investigate and remedy if warranted the reported noncompliance. The complainant will have the option to escalate the complaint in accordance with this RRDRP if the alleged noncompliance continues. Failure by the registry to address the complaint to the complainant's satisfaction does not itself give the complainant standing to file an RRDRP complaint."

So what that is saying is that in order to even file one of these new gTLD dispute policies against a registry, so not the URS but the ones that are going against the registries, an actual problem report has to have been filled out. In this case, it's one of ICANN. But certainly there could be - basically, the complaint process is going to require the complainant to say, "Yes, I certify that I have filed a report with ICANN and has gone to conclusion and the abuse is ongoing."

And so we could do something similar which is when you fill out your TDRP complaint, you could require the complainant to say, "I affirmatively state that I have contacted the registry on such and such a date and the - or the registrars and the dispute hasn't been resolved. Nobody has done anything so I'm, you know, I've got to go on because my registrar is not complying." So we could do something similar to that.

Mikey O'Connor: Cool. Berry, I hope you're scrambling notes on this. Clearly, we would want to get a copy of that and give the group a heads up that this is the direction we're going because there may be some context issues here that make this not work. But if we could mimic it, it might be a good start.

Volker, your hand popped up right as Kristine was describing that. If you've got any thoughts, you might want to touch on those in addition to whatever you were going to say. Go ahead.

Volker Greimann: Sure. I was actually trying to refer to something that Kristine said earlier regarding the problems some registrants have when the party they have entrusted to (may) retain their domain name runs away or becomes unavailable or refuses to return the domain name.

I think that's a problem that really needs solving. That's a problem that we see regularly as registrars. However, I don't think that it's necessarily a transfer question because the registrant may not necessarily want to transfer the domain name. They mainly want their WHOIS corrected.

And we as registrars have business dealings in most cases with the person that is in the WHOIS i.e. the registrant of record. Whether there is somebody behind that or not is not first to know, but a process would be helpful where somebody could be able to bring a complaint to get the WHOIS corrected, get himself into the WHOIS instead of the service provider that he has chosen to be his proxy before that.

Not sure if that's part of the transfer problematic though, so I'm a bit cautious of jamming this into the transfer complaint system because that's something - it's a problem but I don't think it's a related problem here.

Mikey O'Connor: You know, as you were talking Volker, it dawned on me that this is really something that falls more into the change of registrant file. Doesn't it, because...

Volker Greimann: Yes.

Mikey O'Connor: ...isn't this really a situation where the Webhost has gone away and the name holder wants to get the registrant changed to them. So maybe what we need to do is circle back to that policy which came out of the last IRTP. And so Barry, I think this one goes in the topics that the working group needs-to-consider pile.

One of the things we've gotten in the habit of is because we're sort of the caboose bringing up the end of the train, if we find things that we need to tidy up in the previous round to this, this is sort of the time to touch on that. And it does seem to me Volker, that this is a good process but maybe not aimed at the change of registrar because in many cases, as you say, the registrar isn't changing. They just want change of registrant change.

Anything - you know, this is sort of sketched out - no. Oh no, Volker is saying, "IRTP," - I can't say it. I cannot say it. I cannot put those words on a transcript. IRTPE, you know, sort of a character going over a cliff kind of - flashes into my mind. No, we're not going there.

If we were take this sketch and say, "All right, we're going to charge off and take a look at that trademark as a framework and use that as a first pass, use the (trump) between, you know, use the - tie back to the administrative contact versus registrar name holder, trumping language.

Let's take a look then at the last quadrant, the lower right quadrant of this. It seems like our first bulleted point is mechanism for registrants to initiate proceedings - seems like that's covered. Should this be aimed at a mechanism to initiate a dispute directly with second level providers is a question that we should probably talk a little bit about.

But Volker, you're in the queue first.

Volker Greimann: Yes, just one thought that occurred to me. I mean registrants all ready have a venue to complain about a registrar initiating a transfer or not initiating a transfer which is the ICANN Compliance Page on the Internet dot net where they can always initiate a transfer complaint and which we have to deal with on a regular basis as well, if the domain name has been transferred. However, those are focused currently mainly on technical issues, i.e. registrar has to follow procedure.

What we're looking is even though procedure has been followed is the transfer - oh, I'm sorry. Can you hear me now?

Mikey O'Connor: Yes, you're fine actually.

Volker Greimann: Okay, even if procedure has been followed, should the transfer not have happened for other reasons, should it be undone for other reasons, and that's an issue which currently is relegated to the transfer process. And I agree that this should be a process where registrant could also initiate this procedural complaint, because in most cases the registrar, the losing registrar, does not really have any skin in this game. And initiating this procedure has a certain attached cost with it for the procedure.

So allowing a root for the registrant to go directly to the providers and contesting a transfer might be a good idea in my opinion.

Mikey O'Connor: So let's get that language on the trademark stuff and sort of see if by the end of that we feel there's enough of a route for the registrant to go if - because I agree.

If - one way to do this is to simply provide a next step after the initial step of filing a transfer complaint with compliance. I think that part that's in the trademark language is the ability to escalate it. And then the question is escalate it where, etcetera. And you know, I'd like to see that language just to get a sense of how that would map.

And by-the-way, Volker, I thought you overdid it a little bit. I think you can get further away from the mic the next time. And you know...

Volker Greimann: Sorry.

Mikey O'Connor: No worries. We're all kind of learning how to do this but I think it's great when we use the audio and the Adobe Connect because someday, if we were all using it, one of the things we could do in these meetings is break into subgroups for part of the meeting and do work in smaller teams which has always been sort of a hobby item for me.

Avri is saying I'm a dreamer. Well, I love toys.

Okay, the bullet "Should this be aimed at a mechanism to initiate a dispute directly with the second level provider," I think Volker sort of got us started on that. Does anybody else want to sort of chime in on that topic?

Go ahead Kristine.

Kristine Dorrain: Yes thanks. The only thing I wanted to point is that I've observed in the past that the providers get far fewer of these disputes than the registries do. And I'm wondering if the, you know, and I think no small - there are no small part to the fact that we charge more which we sort of have to do as we're paying

outside and corrector attorneys to review these and the arbitrators for these disputes and that sort of thing. So we're going to have considerably more overhead than the registries who have the internal expertise to solve these.

So I'm wondering if - I mean as a second level provider, I'm certainly not in a position to want to turn down business, but I'm also wondering if we're going to say, "Yes, let's make a place for these people to go straight to the providers so as not to burden the registries with, you know, potentially hundreds more of these disputes," if we then need to as providers try to find a way to make it more cost effective. Because I suspect that it's the, you know, coming up with $1000 to deal with your transfer dispute that's a problem.

At some point, I think the registrants just kind of throw up their hands and say, "Well, I don't have the money to even fight this." And so it's possible that that's playing into it. And I'm not exactly proposing a solution there, I'm just throwing out the fact that, you know, we may need to come up with a way to make it more cost effective from the second level provider's standpoint.

Mikey O'Connor: Are there - thanks Kristine. Are there any lessons being learned on the trademark side that could be mapped over? Are there things that...

Kristine Dorrain: Well you know, the things we've done to make URS cheaper include, you know, high automation or processes so we don't have a lot of staff touching, you know, just kind of routine points.

But the other thing is that the UDRP - we're really learning from the UDRP in that our panelists are very, you know, 12 years of experience handling UDRP cases. And the substantive elements of URS are the same. I mean there are some differences as far as, you know, the URS provides express, you know, sort of safe harbors and there is a higher standard of proof. But ultimately you have generally the same three elements.

So the URS or the UDRP has translated to the URS. One of the problems though we have encountered with handling TDRP cases is that we don't get enough of them. So every single TDRP case we've had is a whole different learning experience for the arbitrators.

So we don't have 25,000 TDRP cases such that we can say, "We want to open this process up to the registrants. We're going to automate it, it's going to be great. We're going to send it to the panelists, we're going to charge a low rate." Because the panelists have to spend so many hours getting themselves up to speed on what these types of disputes are and who the right parties are.

And often times, and the most recent one we had just a couple of weeks ago, they actually emailed VeriSign and asked them for further information because they just were not sure And this admittedly was the weirdest TDRP I'd ever seen. And the panel ultimately decided that the dispute shouldn't have been brought through the TDRP because it was not the type of dispute that the TDRP was designed to address.

But the point is is that there's an awful lot of learning curve for us. So I think it's one of those things where, if in fact we were going to do this and we could automate it, we would really have to rely on the fact this would become a pretty commonly used process. And we would have a small contingent of panelists who were really good at it. Maybe we would even hire lawyers that, you know, represented registries or registrars or something so they would kind of know how these things were supposed to work.

And you know, that could be something that would speed things up, and that would be a learning thing that we could take along.

But that's the one downside is we don't have a lot of learning experience with us at this point because we've only had seven TDRP cases. So we don't have the ability to sort of, you know, systematize it and automate it and kind

of run it through it through the system in kind of a high speed train sort of mechanism, if that makes sense.

Mikey O'Connor: Yes it does make sense. Kevin, I think you're next, or were just agreeing?

Kevin Erdman: I just wanted to - what's that?

Mikey O'Connor: Go ahead.

Kevin Erdman: I just wanted to talk a little about the idea of trying to figure out what the administrative path is before flipping over to the TDRP. That in my experience - I haven't dealt with boatloads of disputes regarding transfers, but those that I have, you know, in the realm of (unintelligible), have (unintelligible) somewhere with a registry or with contacting ICANN Legal and (unintelligible).

My thought is is that what might be the thing that would help a second level provider like the, you know, organization or whoever wants to be a TDRP provider, is to have some sort of (unintelligible)...

Mikey O'Connor: Kevin, I'm going to break you off.

Kevin Erdman: ...administratively and...

Mikey O'Connor: Kevin?

Kevin Erdman: Yes?

Mikey O'Connor: Sorry to break in but right when you get to the good part of what you're saying, it's like when you're raising your voice just a little bit it cuts out.

Kevin Erdman: Yes.

Mikey O'Connor: And so as a result we're missing all the good stuff, so if you maybe are...

Kevin Erdman: Okay, I'm sorry.

Mikey O'Connor: ...real close to the microphone on you computer try being a little less close and see if it doesn't...

Kevin Erdman: Okay.

Mikey O'Connor: Sorry about that but I hate to miss all that good stuff.

Kevin Erdman: No, no, no - the feedback I'll try to be more measured in my volumes, but what...

Mikey O'Connor: It's working so far.

Kevin Erdman: ...I'm saying is that, okay that most, you know, that maybe a dozen or so domain disputes from a transfer protocol aspect that I dealt with have all been handled on an administrative level either through dealing with registries or going through ICANN legal without having two results to file in a TDRP.

And it strikes me that this is similar to the legal theory (that your) administrative remedies before you're able to take an administrative law problem to court that we might want to have (them) with registry legal, you know, a series of boxes that needs to be checked off so that only once a registrant has gone through (that) admin and (unintelligible) some contact ICANN legal and you do something.

And once those boxes are all checked then it would make sense to if you allow a registrant to go into a TDRP situation. And (unintelligible) legal and (unintelligible) along the TDRP this is what you need to do then, you know, the (form) folks don't get that TDRP case and the registrant doesn't have to

spend the, you know, a couple thousand bucks to get the panelists to come to the (conclusion that) possibly ICANN legal could of, you know, told them after an hour.

Mikey O'Connor: Thanks (Kevin) and...

Kevin Erdman: Did that come through?

Mikey O'Connor: Well it sort of did, you know, it was tantalizing. I, you know, let me try and summarize the sense that I got and see how close that I get which is that before we get all the way to the end of figuring out the process at the provider end that we need to put a series of administrative steps that need to be followed in order to qualify to take the matter to the TDRP provider.

So that, you know, maybe there is two or three things that have to happen before a registrant would be essentially qualified to take it to the next step. And I think that that's sort of where we're headed with the language that's maybe coming out of the trademark process that Kristine was providing. You know, I think that that has always been sort of the missing link is this series of measured steps.

I personally would be a little - well more than a little uncomfortable in giving a registrant direct access to the TDRP provider without some series of hoops that they need to go through first because I think that does get us into territory where the process could be abused and there wouldn't be very much of a record built which would then put the provider in a very awkward spot because they would be getting a request without much of a record on which to base their response.

I'm getting green checkmarks from (Kevin) and Kristine on that, that's good - so (Kevin) I got to (close it), that's what I'm taking yours to mean. And Kristine I think there's maybe a green that this would also help the provider, so it sounds like we've got at least a sketch of a way to put something together

and I think we probably need to put some words on paper and look at those to see how close we'll get.

Any other thoughts about the second bullet on that list - should this be aimed at a mechanism to initiate dispute directly with the second level provider; where I think we're headed is no not directly but a series of steps that would qualify a registrant to appeal directly might work. And I'm not getting any hands on that so that's at least a reasonable first try - sorry about the phone going in the background (it will go away in a minute).

Let's go on to the third one, the inability of the parties other than the registrar to authenticate the registrant, this applies more to the thin Whois environment which may be impacted by the results of the thick Whois PDP and I think the answer on that is yes. The thick Whois PDP is getting pretty close to recommending that thick Whois will be required across all registries and that will alleviate that problem a bit.

I think that one of the other nice things about that administrative process - that series of checkboxes that we've introduced is that that could address this problem even in a thin Whois environment. Because presumably, you know, the administrative layer would have a chance to do some of that authentication and that might help as well. (Kevin) has suggested two steps in that administrative layer so maybe its three steps.

First talk to your registrar and document that you did that, then talk to the registry and document that, then some sort of interaction with legal and documentation of that. And by the time those hoops have been gone through presumably the authentication of the registrant would be - there would be a lot more of a record of that which might address that even in a thin Whois environment - Kristine is agreeing with registrar first, (that would be good).

So I'm going to kind of keep adding layers to this layer cake and if I get into territory that you disagree with let me know and we'll back up and take a look

at that. On the cost side presumably if we were to pursue this the first several layers would be without cost to the registrant, certainly the registrar conversation would be and presumably the registry and even presumably ICANN.

And by that time it seems to me that the registrant would have perhaps had the opportunity to be told, you know, what's coming if they decide to go on to the next step which is the TDRP provider. So they would certainly have fair warning and Kristine is the $1000 number sort of the typical number? You know, I don't know (if that is)...

Kristine Dorrain: Well there's only two of us and I'm not quite sure what ADNDRC charges but we charge about $1100 for a dispute and 2/3s of that goes to the arbitrator, so they get around, you know, roughly around $700 I guess - I don't do well with math but yes something with that dispute.

So yes so that's how that works, so really what we - what would come down to even, you know, even if we were able to reduce the cost we would have to, you know, get arbitrators willing to do the work at a less cost. So the extra steps I think would be super helpful because it would - and what I think - what I'm thinking of doing is if we do go to a process where the registrants would be able to eventually come to the providers is we would probably just designate a handful of people who become our experts on this.

Mikey O'Connor: Yes, okay.

Kristine Dorrain: Yes it's just I don't think would be cost effective to do anything else.

Mikey O'Connor: Berry here's an action item for you, could you run down the cost from the other provider and just see if they're - presumably they're in the same ballpark but it would be nice to know.

I guess at least from my vantage point if I've got three pretty robust administrative processes available to me as a registrant that have all failed then I'm not sure that 1100 is a show stopper, but I'd be interested in other people's reactions to that. Because it does seem to me that by the - if I've decided to pursue it all the way through half of those three and I've gotten to know whom the three that then I'm pretty determined.

And this is a pretty unusual circumstance and $1100 doesn't sound like an unduly burdensome thing - I'm not seeing any hands on that either. A question for the group, this might be the place where we introduce the revision that we take the registry TDRP function out of the process. So especially for your (Barbara) I'd be interested in people's reaction to that idea that maybe this is the way we write the registries out of the process - go ahead (Barbara).

Barbara Knight: Thank you Mikey this is (Barbara), so yes as Kristine was talking about all of this and the expense that it, you know, that it is in order to even just get a few people up to speed on it, you know, that's exactly what was running through my head Mikey, so I'm glad that you raised it.

And when you think about every single registry that we're going to have out there now that we'll have to have people out there with expertise on this, you know, it does make sense to me, you know, to pull the registries out. That would drive any volume that the registries were getting to Kristine which I think kind of helps to justify getting, you know, people up and running and maybe have that, you know, that handful of people who are the subject matter experts on it - so my two cents.

Mikey O'Connor: Anybody got a real problem with that approach this would be a good time to raise it, I think we'll certainly work this into the recommendations. But it does seem to solve several problems and (Barbara) did a good job of summarizing so I won't repeat them.

And so let's tentatively put that into our pile - Berry you don't have to type, you can - oh yes Berry is saying in the chat, what's the typical quantity of TDRPs that registries get? That came out quite a bit earlier in this working group Berry my - he number that sticks in my mind is it's quite small, (Barbara) do - you've probably got this closer to the fingertips than I do, was it 70 total - 70 and year...

Barbara Knight: I think there were actually about 70 total that have been filed since 2009 - maybe even before that. I mean it was quite a long way back and I can say that from our perspective as a registry operator that probably gets the majority of them, we see one a month - maybe, but typically not even that.

Mikey O'Connor: Yes, so Berry to answer your question it's not very many. And (Fulker)'s raising the point that it may increase if the process is opened up to registrants. On the other hand if we have a good administrative process in front of it that means, you know, push it the other way too (Fulker), it's hard to tell right now how this will go.

But I, you know, it sounds like we're kind of on the right track so why don't we fold that one into the pile as well. And then the final bullet there was what's the impact of change of registrant from IRTP-C, are these issues included? And for the life of me I can't remember what we were working on - does anybody remember that bullet well enough to be able to get us back up to speed? We may have to flag this one and wait until (James) and Marika get back.

I can't remember what facet we were working on there so another one for you Berry, let's put a tick mark by this one that we need to revisit that on the next call. (You know, let me just) - okay well it seems like we've sort of done pretty well on that, let's tie that one off for now - anybody have any last words on that particular one on Charter Question C before we move on? We'll take a few minutes and just get very lightly started on the next one, see if we can knock off some of this (too).

The next one is - opps, I'm fighting with my computer to get the (where this) Charter Question D - oh Berry set this up, that's what's going on. Sorry Berry I was wrestling with you for this (creed). Okay so Charter Question D, should certain requirements and best practices be put in place for registrars to make information on transfer dispute resolution options available to registrants? And I want (unintelligible) - I was just more persistent Berry - just sort of replay the bidding here, there seems to be pretty broad agreement in the working group that this is a good idea.

There isn't a lot of bold, controversial stuff here - (BC) weighted in and (Chris) has just stepped away from his desk, he's going to be back and I'll speak for him - oh Rob go ahead.

Rob Golding: Yes I was going to say the - my first inclination is it sounds like a no-brainer, like why wouldn't you, but I guess my other question is who would do the best practices? Is there a resource that does that sort of thing or is that up to the implementation team to decide?

Mikey O'Connor: That's a good question, we got a few of those questions down in that lower right bolded - I think those were the kinds of questions that we came out of this discussion with that sort of said, hum good idea, might have to specify a little bit of what those look like. Rob is saw your hand go down and then go back up, do you want to jump back in?

Rob Golding: No it's an old hand, I'm sorry I'll take it down.

Mikey O'Connor: Oh okay, so I think that's right and I'm not even sure, you know, remember how old these questions are. I mean these questions date back to something like 2008 and so there's some fuzzy language in this question. It says, should certain requirements and best practices be put into place?

I mean one way we could do this is sharpen this up just a little bit and actually drive it into consensus policy, especially if we can figure out an easy way for it to be done. You know, I don't want to lay a giant burden on registrars but it might make it simpler to implement if we actually stepped it up a notch and make it part of the policy rather than leaving it to best practices and then you've got, you know, all this dispersion all over the place.

I don't know the - and Berry has chimed into the chat - Charter Question D could be addressing - could be addressed by the output of Charter Question C because the checklists before getting to provider could define that process. Oh and then you scratched it, Berry you got to speak to me - speak to me Berry. I didn't think that was such a bad idea.

Berry Cobb: Yes this is Berry, I would probably say I guess that was probably more like a skeleton to a roadmap of best practice, but I re-read the charter question and it's really about how registrars themselves act on this, not necessarily a checklist for the registrant to satisfy, so scratch that.

Mikey O'Connor: Yes, well I think though that one way to view this is that if we put these administrative hoops in place that the backend of those hoops would probably be the place that the reporting takes place.

So that's what the - that's at least the way I was reading your thought and tend to agree that, you know, if we had, you know, these three administrative hoops first that the people providing those administrative services - the registrars first, the registries second and then ICANN legal third could just be cast as part of that administrative process with some reporting that would feed right into this. And we might want to sort of combine these two - (Chrissy) go ahead.

Kristine Dorrain: Yes I just wanted to add - this is Kristine from NAP I think I maybe failed to introduce myself the last couple times I've spoken. The - I read this question not only to talk about reporting even though I think the answers about

reporting, I think a lot of this is just about information about how registrants can get their (disk) resolved and how they can nudge their registrar to participate in the TDRP.

And maybe that's not out there because the registrars don't want to participate or maybe that's not out there because the registrars don't know about the TDRP or what they need to do or what they should be doing. So I think there's a little different spin that I took on it from not just reporting but from just the requirements and back practice - best practices for making the options available and knowledge about the options.

And I do think - and I was with Berry on that, I think if we do end up saying we're going to make a concrete process for registrants and then therefore it will also define what registrars are going to do, then I think the outcome is going to end up being that D is going to be met.

Because as a result of the changes and as a result of the fact that in 2013 we're now becoming a lot more clear about these things probably a byproduct is going to be better information, a better listing of requirements and probably a best practices document. So that sort of was my thoughts, so I actually didn't think Berry was too far off on that.

Mikey O'Connor: Yes I think he just wrote the section on the report - actually you're absolutely right Kristine I am having one of those brain fade elderly moments where I've totally misinterpreted the charter question and so I want to do a big never mind on that.

So I think we're on the same page - the key discussion points then I misinterpreted, it's not where the reporting information resides in this question it's where does this information for registrants to find out about that process reside. And what we were saying here is is that in the registry - registration agreement, is it on their Web site, the registrar Web site?

This is an ICANN site (Alla Pedner) - somewhere else and (Kevin) we've got a couple minutes left, let's just - do people have strong feelings about those places to inform registrants of their dispute - administrative and other options - any strong negative reactions to any of them? For example would it be possible to say yes please all of the above or is that overkill? I (can't) tell, looking to you (Volker) and some of you others - oh (Barbara) go ahead.

Barbara Knight: Thank you Mikey, its (Barbara) - from my perspective I think that it's important that we make sure that the information that the registrants are receiving is consistent.

So one of the things that we had put forward as a registry stakeholder group was that perhaps, you know, the registrars would have information on their Web sites that it would point back to a location on the ICANN Web site so that all registrants through their registrar; which is likely where they would look first and it also could apply at the registry level as well, it's all pointing back that same pool of information if you will.

So the information that they're getting is consistent across the board, that's my main concern is making (sure) that there is (unintelligible).

Mikey O'Connor: Yes and I think that that's a good thing to work into the report is this notion that it's probably better to have the true information that's available for the registrant available at one place so that it's consistently maintained rather than, you know, spread across dozens - hundreds of registrar's Web sites, some of them have updated it, some haven't, blah, blah, blah - that does seem hard on everybody.

It seems hard on the registrars to keep it in synch, it seems hard on the registrants because of the variability, so I think that's a good thing to work into our report. Which would tend to refine the list to say registrar Web site points to an ICANN hosted site - something like that might work. And with that I don't know we're - any other thoughts on this before we wrap up? We're

getting pretty close to the top of the hour, I think it's probably - this is probably a good place to break.

I'm not seeing anybody on the (barricade) so why don't we call it a day and we'll welcome (James) back to the US, he's going to be unbelievably jet lagged and we'll pick this up. And I thought we made some pretty good progress, thanks a lot - see you in a week.

Man: Thanks Mikey.

Barbara Knight: Hey Mikey this is (Barbara), I have a quick question - are you still there?

Mikey O'Connor: Yes I am.

Barbara Knight: Next Monday is a holiday here in the US, are we planning to have a meeting next week?

Mikey O'Connor: Oh it's Labor Day, that's a good question, I would say the odds are really bad given that that's the Labor Day holiday day, you know, let's presume no and I'll check with (James) and Marika and Berry and Lars but I - we'll get no turnout. Sorry, yes thanks for raising that (Barbara).

Barbara Knight: Sure.

Mikey O'Connor: I totally forgot - see you in two weeks.

Berry Cobb: And this is Berry, I'll make sure to connect with them to get that scheduled.

Mikey O'Connor: Yes I think that's a no-brainer Berry, I don't even need to check that with (James), it's just not going to happen - we just, we won't have anybody from the US on the call. Okay...

Man: Thank you Mikey.

Mikey O'Connor: Right, see you all in two weeks, bye-bye.

END