

Transcription ICANN Beijing Meeting
Inter-Registrar Transfer Policy (IRTP) Part D PDP Meeting

Saturday 6 April 2013 at 14:30 local time

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Coordinator: Excuse me; at this time I would like to inform all participants today's call is being recorded. If you have any objections, you may disconnect at this time. You may begin when ready.

Jonathan Robinson: All right, so let's begin the next session then. I see we've got both Mikey and James - Mikey O'Connor and James Bladel here to help us through the next session which is running for half an hour on the work on the IRTP Part B, the PDP NSO. Over to you guys.

James Bladel: Thanks Jonathan. James Bladel here with Co-chair Mikey O'Connor for the last in the series of IRTP PDPs - we've been saying IRTPD stands for done as we've been consolidating a number of these issues into the final instance of these PDPs in order to make this be the end of that train.

So we'll jump right in here. There's really not a whole lot to report because this effort is just getting underway.

Do I have control? Okay.

So here are some background points. I think the key take away from this slide is that this is the fourth and final PDP from the series that was launched going back into 2008. This group was approved, I believe, by the Council at the Toronto meeting. Is that correct Marika - plus or minus?

Yes, and that the issues report came out I think earlier this year. It was put up for comment and the working group formed I want to say in February. Okay? So that's a general timeline.

We're addressing six charter questions here including reporting requirements for transfer dispute specifically the TDRP transfer dispute resolution procedure. I think right now all of our data gathering exercises up to this point have been very ad hoc, and we're looking at ways that that could be standardized.

Looking at the TDRP itself on whether or not that is an effective mechanism for handling transfer disputes, whether or not that process should be open to registrants. Right now it is currently open for registrars to initiate it on behalf of their registrants.

And then two other issues that were attached on here I think by previous instances, one in which is being examination of the use of the Form of Authorization, in practical terms, to the EPP authorization code has replaced the formal FOA and whether or not that can - that has been obsoleted. Now these are not prejudging the outcome. These are just some of the questions that we are going to be discussing.

Here is the membership of the working group. It is, as you might expect for this subject, it is balanced towards registrars. The subject matter is one where registrars need to coordinate and standardize their various practices. The registries are well represented as well, and I think it's a good mix of IRTF veterans as well as some fresh faces into the working group process.

Some of these folks, by the way, have changed jobs. They're still on IRTP-D, but they are in different companies from when we really generally started that, just to give you an idea how long this has been going on.

So here's a summary of our accomplishments to date. We kicked off in February. We invested a little bit of time in development of what we call a work plan. I think working groups proceed a lot more smoothly when they're established at the outset with a schedule and some milestones as well as some checkpoints along the way to test their progress and adjust accordingly.

We did finalize the request for input for stakeholder group constituency inputs and those were sent out in March. And we are currently, I believe, designing our approach for the charter questions. We missed the last meeting just due to a holiday, so I'm kind of fuzzy on where we actually left off with this group, but I think that we are now in the process of looking at each of our individual charter questions.

Here is just some key dates in the life span of this PDP and how we expect it to play out. We're expecting to get those input forms back shortly after this meeting and April 19th.

We are targeting our initial report to be completed by the document cutoff deadline for the July 22nd which - is there a council meeting Lanre, Marika? I'm trying to hit something there. Was it a council meeting that's following shortly after? Was it Durbin or is that a little late for Durbin?

Marika Konings: This is Marika. I think it's shortly after Durbin because we think we thought that before Durbin would be too short or a bit of an artistry show because the initial part doesn't go through the GNSO Council, just for the information and (unintelligible).

James Bladel: Okay, I think we were trying to target something. But you're right; Durbin was too late, so yes.

We are targeting our final report to be published by the ICANN Meeting in Buenos Aires this November which would give this entire working group PDP a life span of approximately nine months. And I go back to my joke which is that, you know, you should be able to complete a PDP in nine months. You can create a whole new human being from scratch in nine months, so policy should be a no brainer.

More information is at this link here that no one is going to click. And we'll now turn it back open for questions.

But really, not a lot to report I think is the answer. We have an aggressive timeline, we have a group of veterans with some fresh perspective and we're going to charge after this one. And then we're going to be done with IRTP PDPs.

((Crosstalk))

James Bladel: I'm sorry, before we dive into questions, my Co-Chair Mikey here might want to weigh in on anything or - I don't want to put you on the spot, but I also don't want to close the - okay, so Mikey says (unintelligible).

((Crosstalk))

Jonathan Robinson: (Unintelligible), I think Jeff might have put you on, but aphetically he does at least. But anyway - John.

John Berard: John Berard, Business Constituency. It only takes two to make a baby.

Jonathan Robinson: Jeff, beat that.

Jeff Neuman: How do I follow that?

Yes, okay. This is an interesting one because this - you guys are gathering data right now, I guess the stakeholder group statements.

But I can speak at least for Biz, right. We've never had a transfer dispute. And I'm not sure, have any of the - well, I know Com has - Com Net. But have any of the thick registries received any transfer disputes?

Mikey O'Connor: This is Mikey. The answer is if there are any, there aren't very many.

And one of the questions that has come up that we're going to take a look at is whether the registries should even be doing this or whether we should just put these right out to the - you know, there's another layer of dispute resolution providers for TERP. And it might be, especially when you think about the number of registries increasing greatly in number and this incredibly small number of instances where this happens, it might make sense to just take a layer out of that process. That's something we're going to - it came up briefly on one call and we're going to stumble through a conversation about whether that DUNN scope for us.

But you're right; the number of dispute resolution incidents if very, very small.

Jeff Neuman: I mean we've been doing - how long did the transfer dispute, was in 2005?

Mikey O'Connor: It was 1876.

((Crosstalk))

Jeff Neuman: I think in 2005 I think is when it all went into play or maybe 2006. Biz has not seen one.

And I know every year I have to still train our customer support on it and it never comes up. So like I'll train them on it and then they'll forget about it, and then the next year I'll have to do the same thing.

But the last question it asked was whether it was EDP that obviated the need for dipoles. Is it EDP or is it stake registries or is it both?

James Bladel: It's the off info code that is translated via EDP, so it's the - yes. But it's the off info code.

Jeff Neuman: But even - so I guess my question would be more for, I guess, VeriSign Com. Do they still get transfer disputes now that they're - or do they have - there are four issues in Com and Net even though they use EDP?

Mikey O'Connor: And we're - one of the things we did, since this is D for done, we took an issue that popped up the last round and pushed it into this one. Those two aren't really connected.

One of the things that came up in the last one was the fact that off-info codes are sometimes used for lots and lots of different things on the one hand.

And on the other hand, they are perhaps made redundant by the capabilities of EDP which were introduced after the off-info code ideal was created. And so the thought was we should take a look at all of that in a jar and see sort of what's going on with it. But it doesn't have anything to do with the TDRP per se.

Jeff Neuman: I guess my - the reason I'm kind of harping on this is because I remember back in 2004, I was having a pretty good argument with - I don't know if Chuck is still here - but I think it was (Scott Hollenbeck). He and I were going at it because I basically said, "We don't need a lot of these rules because we have a thick registry and EDP and off-info codes to take care of it."

So a lot of these transfer rules we didn't actually need. And he was very adamant. He said, "No, of course we need this. We need all of it because off-

info codes can do a lot more and you never know. Just because you have an off-info code that everything's authorized.”

But the point is, I guess, I'm glad he was back on there and that I - I mean I will say that the number of transfer disputes that Biz has seen has been exactly zero since these policies came in. And I'm sure for Info for Name and Pro and those, it's pretty close to zero as well.

Jonathan Robinson: Marika, you've had your hand up for awhile.

Marika Konings: This is Marika, to your question on (Ario Commodone) on the low incidence of TDRP disputes. One of the things the working group is looking into as well is whether it should be opened up for registrants to file a dispute because currently it's only opened to registrars.

So one of the assumptions I believe in the working group is that registrars might try first to solve it themselves because it's well initiating a TDRP or administrative hassle. There are probably costs involved, so maybe less incentive to going forward if you can as well try to resolve in other ways. Or if you feel the registrants, you know, doesn't really have a strong case to make.

So one of the issues the working group is looking at is whether the (unintelligible) should be opened up to registrants, and that may have as a result, the number of disputes would increase.

And another element to that as well with the adoption of the change of registrant policy on the IRTP Part C that actually is part of that consideration or that discussion. We never considered should there be a mechanism as well to raise disputes on the bad part of the policy.

So one of the questions the working group will need to look at as well should the TDRP be expanded to also cover that part of the transfer policy to make sure that disputes can be resolved that may emerge on the debt part of, you

know, the new part or the transfer policy as it is probably known to be as a whole.

James Bladel: I can jump in on that one. I mean this is all part and parcel of what we're going to be talking about. I don't want to presume any outcomes.

One of the outcomes could be that since we're not using TDRP, that somebody somewhere, registrants, registrars are seeing, is not an effective mechanism and that we've worked around it with other things and maybe it doesn't need to exist anymore. Or maybe it needs to be changed so that it can be more effective, or maybe it just needs to the right people are not getting to it.

I mean all these questions I think are on the table for this particular charter question.

But I think that, you know, a major registry would say, "We've seen zero." Another registry would probably say, "We've seen less than ten." And a very, very large registry might say, "We've seen less than 50, you know, instances of this process since it's come out."

When you compare that against, let's say, the number of instances where registrars have worked together to resolve fraudulent or incorrect or erroneous transfers, when you compare that against another process like UDRP, how many times that's been invoked You know, maybe the answer is the thing really just isn't all that useful.

Jonathan Robinson: Marika.

Marika Konings: This is Marika. If I could just make a follow-up complaint - comment.

But looking at the number of complaints that I can receive, it's still the number of issue or consumer complaints that are being received by ICANN. So

obviously there is something that either is missing or wrong. I'm not saying it's the TDRP, but obviously there are some things that either are leading to confusions or issues not being addressed that people actually raise it with ICANN Compliance.

So I think that, you know, as Jeff said, the idea is to get to the source of - to the bottom of the source to really understand what it is we need to do whether it's revamping the TDRP, getting rid of it, coming up with something else and really trying to understand. You know, how can we address these issues so we actually don't get that many complaints and registrants are, you know, helped in their issues.

Jeff Neuman: If I can just - I guess my comment was on the complaints that you received.

So we do get a couple - and I literally mean like three or five a year - questions in our customer support about transfers. But they're not what would be subject to the transfer dispute resolution policy. They are more compliance issues and, you know, that they are trying to transfer and their registrar is not letting them because of trouble getting an off-code or something like that which have been handled with other policies.

So I just kind of question, you know, what is it you're getting complaints about and is it really related to what the TDRP would actually cover? I mean it does - it is a cost to registries to implement, you know, to go over with their customer support even though they never use it.

And maybe it's just a compliance, maybe it's just an ICANN thing. So ICANN needs to step in with that few amount of times as opposed to if you go to a third party, Mikey, a third party is going to charge \$1000, \$1500 for a \$600 domain name or, you know, whatever it is for a domain name that's, you know, not worth it.

It's a good issue we should talk about because I would love, from a shellfish registry standpoint who is responsible for compliance, not having to deal with that would be great.

Jonathan Robinson: Marika.

Marika Konings: Sorry to take up so much of your time - this is Marika. Just one more follow-up because we actually did ask Compliance for information on the complaints received to, you know, trace them or track them to the issues we're looking at and they submitted that report this week. So the working group will actually be looking at that on Wednesday morning I believe.

So we are working closely together with Compliance to get a better insight as to, you know, what are the issues they see and whether that indeed fits with our charter questions or indeed if there are other issues that played that need to be looked at.

Mikey O'Connor: This is Mikey. Let me maybe try to wrap us up here.

So we really need to hear from - I know that sometimes thinking about IRTP is kind of like thinking about paint drying. But this is right at the heart of the process that we're all engaged in, and this is pretty - it's dull but it's pretty important.

And the conversation we just had is the sort of conversation that we really would like you all to engage in the comment period that's closing about a week after this meeting is done. So don't forget - send those comments in.

And then the other thing is that the working group is meeting at seven thirty in the morning this Wednesday, and I believe we are providing the coffee. And we would really love to have - we - in the royal - in the encompassing we sense.

Anyway, we would love to have you come and join us in that conversation. That's actually a better place to have the kind of conversation that we were having here. But I know a lot of you won't be available because you'll be asleep. But anyway, sort of a plug for those two things.

Jonathan Robinson: Are there anymore questions for James - Wolf, sorry. Wolf, go ahead.

Wolf Ulrich Knobon: Yes thank you. And I think it fits to what Mikey was saying.

You know, I'm thinking about is the Council is not very close to that what you are doing in the working group right now. But I would like to understand that and looking forward to the five charter question and what is behind that.

And what, as a Councilor, I could contribute to that in terms of - I'm asking myself are there - from your expectations at the time being, controversial issues which you expect in the course of your work right now and where you expect some advice from the Council level (unintelligible)? This is one thing - one question.

The other thing is since I understood that the IRTP has CDM and where else, they were the foundation of that was laid down in 1876 or where else. So how the new RAA impacts - is there an impact from the RAA to that policy as well because this inter registrar comes from a policy. Thank you.

Mikey O'Connor: This is Mikey, and since I'm in Wolf's constituency, I'm going to whack him.

We don't want advice from the Council because the Council is the body that manages the policymaking process. We want advice from your constituencies. So I just want to whack my colleague from the ISPCP on that one.

In terms of the new RAA, we are fortunate in this particular constituency, I have very representation from registrars' constituencies including a number

of the folks that engaged directly in that negotiation. And so we're very well equipped to make sure that whatever we come up with, the line is really well within the new RAA.

And in many instances is what happens is that the new RAA solves issues that the IRTP was originally was constituted to address. But because of the length of time that this process has taken, a lot of those have almost become mute because the RAA has overtaken us on that.

Man: (Unintelligible).

Mike O'Connor: I think so.

Man: We'll have to accept that.

Mikey O'Connor: Well all right then. That's what we do.

James Bladel: Yes, so controversies, you know, as Marika mentioned, transfers of domain names are very complicated. They are very difficult. If you don't do them frequently or if you're not close to this industry, they seem like voodoo. And so, you know, it is not only with ICANN but I think also with registrars, probably their primary source of customer service issues and instance.

How do we reconcile that with the fact that no one is using this process? I think that's interesting. That's a problem that needs to be at least understood if not solved.

Another one is always the undercurrent of all the IRTP PDPs is this spectrum between domain name security and domain name portability. You know, we want to be able to make it easy for someone to vote with their feet. If they're unhappy with their registrar they should be able to pick up their name and go.

But this is the Internet. People give passwords after their cat's names. You know, people steal domain names because they're valuable.

You know, and so I think that we have to balance those two desires that folks want these things to be fairly seamless, but we also need to protect customers from themselves in some regard.

I don't think that the RAA really - which I'm still calling addressed - really hits on IRTP specifically although the new RAA draft, the 2013 RAA which hopefully does not become the Draft 2014 RAA - really has, you know, shouldn't lead most existing consensus policies like the IRTP untouched, although it will add other, both commercial and operational burdens to registrars and ultimately to registrants. It should not necessarily dive into the specifics.

But I'm open to - you have? Because we've been writing this on - I'm curious.

Mikey O'Connor: No, I'll give you an example.

James Bladel: Right this down.

Mikey O'Connor: This is Mikey. I'll give you an example of what I'm thinking of.

One of the things that we ran into in IRTPC was this whole distinction between the inter-registrar transfer and the inter-registrant transfer which up until IRTPC were comingled.

And one of the sticky wickets in the teasing apart of those two things is in thick registries; it's fairly straightforward to figure out who the old registrant is. And in the thin registry, a registrar gaining registrar has a hard time doing that.

And one of the things that the 2013/2014 RAA solves is the problem of uniform display of WHOIS information which could solve the puzzler that we were originally trying to solve with thick WHOIS. So there.

James Bladel: I think we can talk about this over a beer or something.

Mikey O'Connor: This is easier.

((Crosstalk))

James Bladel: I don't want to send the message though to Council that the Draft RAA is getting into the nuts and bolts of IRTP or any district policy.

Mikey O'Connor: True.

Jonathan Robinson: All right, that's probably a good place to wrap it up. James and Mikey thanks. I mean you made the point that this is - Mikey, I think that this is, in some ways, where the real work is done in the trenches. And so I think we owe you a vote of thanks for that, and it's quite clear that you feel like you've come to the end of the road of the IRTP work. But it's good to see there's a clear timetable to get a new (unintelligible).

Mikey O'Connor: Well, I just want to thank Chuck Gnomes who was the person that introduced me to my first IRTP back in Paris which I think was 2006. Is that right?

Jonathan Robinson: Two thousand eight.

Mikey O'Connor: Two thousand eight. Anyway, this is my 19th IRTP and I'm happy to have it done.

Jonathan Robinson: I'm surprised you're thanking him.

All right, well thank you all and both of you and for the rest of you for the participation in this session. We'll call it to a halt and we'll just take a very short break and take advantage of the fact that we're ahead of schedule assuming that Ron is available. I'm just looking around to see if Ron is - yes, I thought he was. Yes, thanks Ron.

All right, so if we could just stop the recording now and pause for a moment before picking up with Ron to talk with us on the work of the SCI.

END