

Transcription ICANN Beijing Meeting

IRTP D F2F meeting

Wednesday 10 April 2013 at 07:30 local time

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James Bladel: Good morning, everyone. We're going to go ahead and get started with this session and allow the other folks to still kind of straggle into the room. So if I could ask staff to begin the recording and call the roll - okay, instead of that we'll go around the room and introduce ourselves.

I know some of us are veterans of this effort and know each other by heart, and some of us are newcomers and fresh faces, fresh blood, fresh meat, fresh ideas. So we'll go around the room and then we'll also poll the folks in the audience.

And by the way, the folks who are sitting in the chairs, please feel welcome to join us here at the table. It's a fairly small working group and we don't want anyone to feel like they're spectators. We're all participants here at ICANN. Was that a good enough commercial for you guys? Okay. Okay, so let's start down at this end with Chris. Name and affiliation.

Chris Chaplow: Hello, yes. Chris Chaplow from Andalucia dot com in Spain, and a veteran of IRTP, B, C and now D. Thank you.

Man: (Unintelligible).

Holly Raiche: Holly Raiche, (A&I), one of the fresh faces.

Graeme Bunton: Graeme Bunton from Tucows, also super-fresh.

Michele Neylon: Michele Neylon, Blacknight, not very fresh. And what's with the analogies, James? They're really bloodthirsty this hour of the morning. I mean is it that - this American thing? They just want to go out and kill things for breakfast or something? I don't know. Where did that come from?

Jill Titzer: Jill Titzer, GoDaddy, still fresh.

James Bladel: James Bladel, GoDaddy, mostly fresh. I'll come back to Michele's comments in a minute.

Mikey O'Connor: He's a Midwesterner. It takes him a while to make a comeback to something like that. Mikey O'Connor, veteran of IRTP pre-working group; IRTP drafting team; IRTP A, B, C and now D; member of the ISP constituency and looking forward to being done with this.

Lars Hoffman: Lars Hoffman, ICANN staff and fresh as far as IRTP is concerned.

Erika Randall: Erika Randall, also ICANN staff.

Marika Konings: Marika Konings, ICANN staff.

Carlos Alvarez: Carlos Alvarez, Senior Manager, ICANN Contractual Compliance.

Bob Mountain: Bob Mountain, NameMedia, Registrar. I worked on IRTP B, C and now D.

Avri Doria: Avri Doria, NCSG. I've always been called fresh, but it was more of an attitude thing.

James Bladel: While we round up the mobile microphone for the folks in the room, can we go through the remote participants on the line in alphabetical order?

Nathalie Peregrine: Hello, this is Nathalie from ICANN staff. There are no (unintelligible) for the room, but quite a few participants have (unintelligible).

James Bladel: Yes, I see some folks.

(Marie Gizen): There we go. This is (Marie Gizen) from the working group (RC). Kristine Dorrain is on AdobeConnect, and there's some others there, but I don't think they're working group members if I'm not mistaken.

James Bladel: Okay, well let's just go with Mikey then, who has the mobile microphone. Sir, if you could?

Richard Peterson: Hi, this is Richard Peterson from Dyn.

James Bladel: Good morning, Richard.

Man: I'm (unintelligible). I'm from (Carmac).

Man: I'm (unintelligible) from (Carmac).

James Bladel: Good morning.

Peggy Lee: I'm (Peggy Lee), (unintelligible) from Taiwan.

Carol Huang: I'm (Carol), also (unintelligible) from Taiwan.

Woman: I'm (unintelligible) from (unintelligible) in Taiwan.

Brent Bryan: I'm Brent Bryan from Google.

Woman: (Unintelligible) from Google.

James Bladel: Okay, good morning. Thank you. And once again wanted to encourage folks to please feel free to sit up here at the table if you're so inclined.

So the structure for this particular session in Beijing, we have a little bit longer than we normally would. So we planned this to be a routine session of the IRTP working group as if we would normally be conducting it on our Monday morning/Monday afternoon time slot, but also an open segment for questions and answers, feedback from the various sessions that we've attended, and audience participation as well.

So the agenda was posted to our mailing list by Lars, I believe, earlier today. Is that correct?

Man: (Unintelligible)

James Bladel: Okay, last week. And as well as posted here in the Adobe chat room. So if there are any questions or concerns, please indicate as we approach that particular point in the agenda, but we'll be following that fairly closely for today.

And if there are any statements of interest or changes to statements of interest or declarations that folks would like to make - I don't see any hands, but we always offer an opportunity at the beginning of each of our meetings for members to submit an altered statement of interest or declaration of their motivations for participating.

Okay, so let's move into the second item on our working group. You didn't want to, Carlos, go first, right?

Man: (Unintelligible).

James Bladel: Let's give the background. I think that the slides that we presented on the weekend will help folks.

Man: (Unintelligible).

James Bladel: Okay, great.

Man: (Unintelligible).

James Bladel: Who?

Man: (Unintelligible).

James Bladel: Yes, I would probably want to mobile, so...

Man: (Unintelligible).

James Bladel: Okay, so what we're going to be presenting here is a very brief overview of the working group, it's charter, the issues that we'll be discussing, and the rough timeline of work or project plan for this effort.

This is, for those of you who were here this weekend and saw our updates to Council on Saturday, this is, I believe, the exact same slide deck. So this is going to be a rerun for you. For everyone else, please jump in if you have questions.

But in general, as Mikey alluded to, this is the last in a series of IRTP PDPs that controls the inter-registrar transfer policy. Transfers are an important component of the competitive marketplace. It allows registrants to vote with their feet, if they do not like the service or pricing or some other aspect of their registrar relationship.

It forces registrars to do something that competitors normally don't do naturally, which is cooperate with one another -- coordinate their technical systems.

And so it is vital to the industry that we have all built and enjoyed over the last decade. It is also the number one, far and away source of complaints and customer concerns, issues, that are submitted to registrars and to ICANN.

It is a complicated process. It has a number of very specific steps that are often implemented dissimilarly across registrars, and there are very sophisticated bad people out there who, you know, take advantage of that confusion to, you know, take domain names with something we call domain name hijacking.

So this group was the last in a series of working groups set to reform that transfer process, and we call it IRTP-D. I call it D for done, because we like to believe that once this is done, IRTP will be perfect. That's a reasonable...

Man: (Unintelligible) goal.

James Bladel: You got to aim high. So we've collected, as Mikey, I think, pointed out, there was this pre-working group that has decided what the issues to be addressed by all the other subsequent working groups back in 2008 - 2008? 2009?

Mikey O'Connor: It was in the late 1800s.

James Bladel: During the Victorian era is when they laid all of this out for us. And since then we have kind of shuffled things around. We've always looked for opportunities to condense or consolidate issues into appropriate working groups.

And we've also uncovered new issues and new charter questions along the way that we've tacked onto the end. So that's been how we've managed this effort.

Okay, next slide. There we go. So this particular working group has six charter questions. And I won't go through them in detail. They're certainly available for your perusal and study.

But essentially they involve a couple of topics -- first being the transfer dispute resolution process, the TDRP. Now this is baked into the original transfer policy, and one would think that with all of the problems and issues and even fraud that occurs, you know, around the transfer policy, that this would be a very popular mechanism. In fact, it's not.

It's not used hardly at all, and there are some major registries that will tell you that they don't even - they have to train their employees on it, but they don't even have a single instance of it being used over the years.

And so one of the questions is why. Is that not effective? Do people not know that it's out there? Have registrars -- and I think I know the answer to this one -- have registrars developed faster and more effective methods of adjudicating some of these issues? So we're going to take a look at the TDRP.

We're going to take a look at whether or not it should be reformed; whether it's still necessary; what the reporting requirements should be for registries -- our data gathering in this area has been very ad hoc, so it would be nice if we had some standardized reports to go to; whether this process should be open to registrants directly or whether they should always be working through their registrar; and all those areas associated with the TDRP.

And then secondly -- and this is one of the issues that we picked up after the course of the other transfer working groups -- is that we are taking a look at

the interplay between forms of authorization -- FOA, which is a kind of a formal email authorization for a transfer; and an auth-info code, which is a very long and complex password assigned for each domain name; and whether or not the formal authorization is still relevant in an era where a password to a domain name can essentially affect a transfer and could, in some cases, stand in for authorization if you had that particular password.

So the link that's there that no one will click leads to our entire charter where you can review these questions at your leisure. Next slide, please.

Mikey O'Connor: Everybody hit it at once. Let's see if we can crash the server. Come on.

James Bladel: So here's the membership of the working group. And I'm pleased to say, thanks to some very diplomatic cajoling on the part of Mikey and just some straight up bullying on the part of Michele, we have new members now coming to the fold of this particular working group. So I think those two gentlemen for their - let's graciously call those outreach efforts. Let's call it that. So thank you for that.

But as you might expect in a registrar-specific working group or an issue that folks (unintelligible) register/registrar interoperation, this - registrars make up the bulk of the membership, probably second only to staff, looking at the table.

But so there's a list of the members. But we do have, I think, as I mentioned, a good mix of veterans of the IRTP series of working groups as well as some folks who can provide fresh perspective.

Next slide, please. So this effort is fairly new, but we've hit the ground running. The working group formally convened in like February.

We invested - as per Mikey and I, we put together a nice little system where we invest the first couple of weeks setting up a project plan to where we have

a very aggressive time frame to addressing questions, targeting the release of initial and final reports to coincide with the ICANN calendar, and driving everything to hit those particular target dates with checkpoints as we go along to see if we're tracking on or off track.

We have constructed a stakeholder and AC, advisory committee, input format template. That's been distributed to the community for feedback on the six charter questions. We're expecting those back - when does that close, Lars?

Lars Hoffman: I think it's Friday, (unintelligible). Two weeks from Friday.

James Bladel: (Unintelligible). Okay. Like the 26th?

Lars Hoffman: Yes, I think it's that.

James Bladel: Okay, thank you. So we've got a couple of weeks yet, so perhaps, you know, if you are so inclined after reading our charter or participating in this group, you wanted to really weigh in on some of those questions, there's ample mechanisms to do that.

And then we are also putting together a deliberative approach to our questions and how the working group will discuss those, and what data we might need to gather, and what feedback we'll be expecting from various segments of the community.

Next slide. Okay, and here's just some highlights of key dates for this working group. I just want to take a moment here to point out that one of the undercurrents of this particular ICANN meeting have been the various efforts and issues that have bypassed the quote/unquote proper mechanisms or procedures.

And we continue to hear that the PDP is broken. It's too slow. It's, you know, it just kind of lumbers along and nothing ever comes out of it. And what we in

this particular series of groups, of IRTP working groups, have been very cognizant of is keeping this effort moving along at a - I want to say a commercial-type pace as that's possible.

We challenged the assumption or the part of ICANN culture that PDPs must be one to two years in length, and we're pushing to wrap this one up by the Buenos Aires meeting in November. It's ambitious but, you know, I like to - my joke (unintelligible) again. Sorry for those of you who have heard it a dozen time.

But you can create a whole new human being from scratch in nine months. You should be able to finish a PDP in the same amount of time. I think that's a fair goal to set out.

So as you can see, we're targeting initial report after Durban, with a review of public comments and feedback from that report, and the final report by Beijing. Sorry, we're in Beijing. Buenos Aires. Thanks. Thanks, (unintelligible). That's it.

So that's where we are and that's what we're doing. That's when we intend to have it done, and I think - are there any questions or anyone in the queue on that particular segment? No one's awake yet and I don't hear the coffee machine running, so...

Mikey O'Connor: Ask Michele a question.

Michele Neylon: The answer, Mikey, is 42.

Mikey O'Connor: The answer's always 42.

James Bladel: Okay, yes?

Holly Raiche: Being the new kid on the block, I'm probably going to ask a question and everybody's going to hate me. But if nobody is actually using the system, do we actually stand back and say, "What do we want to achieve in the transfer process?"

And I think you started to lay those out. One, the registrants can actually switch. Two, they can switch in a secure, safe way so that it's not hijacked. Three, you actually can have some statistics about the success or otherwise, and there's some security built in. Are we working on a process that nobody's going to use?

James Bladel: So I should probably be more specific if I was kind of maybe just moving through some of the comments.

The transfer process itself is used dozens of times an hour. You know, help me with this (unintelligible). Higher. Hundreds of times a day. Thousands of times, perhaps, a day.

But I'm trying to, you know, the transfer process itself is very - and this is a source of confusion. If you have a process that is, you know, in the millions per year transactions, and it is the number one source of complaints -- both the private sector providers as well as ICANN; far and away the key driver of customer dissatisfaction -- and yet as the flip side of that coin, it has a dispute mechanism that's never used, where's the disconnect?

And is the problem in that dispute mechanism? Now I think we discussed this quite a bit in one of the earlier IRTPs. And one of the things we came - and I don't want to kind of lead the working group down a certain path before it even gets off the ground, but one of the things that we did discover is it's very slow and expensive.

So maybe we'll just - that's a spoiler alert, okay? For some of those charter questions. But that registrars and registries have developed fast and more

responsive procedures that, while not necessarily industry standards, are very capable of addressing (unintelligible) manner to mitigate the horror.

Call Graeme's company, and within an hour we can get something resolved if we feel like - customers or vice versa, we can kind of figure it out and get it fixed.

So coming back to the beginning, what is that dispute mechanism doing? Do we still need it? Can it be changed to be (unintelligible) thrown overboard? Yes, so we've got - we'll go back to you and then we've got a queue.

Holly Raiche: Okay, so (unintelligible) we are not (unintelligible) when this process isn't used, what you're talking about is not the transfer process isn't used. You're talking about, you know, a form of transfer that's (unintelligible).

James Bladel: (Unintelligible) transfer dispute mechanism is used.

Holly Raiche: Okay, so really that's what (unintelligible) and say does it or doesn't it work?

James Bladel: That is - yes, that's probably (unintelligible) the expected...

Holly Raiche: Okay.

James Bladel: Focus of this group.

Holly Raiche: Thank you.

James Bladel: Yes. It's a non-sequitur that we would have such a common (unintelligible) that is so fraught with (unintelligible) fusion that results in zero disputes according to the statistics. Where's the queue starting here?

(Ruben): (Unintelligible). Although I had waited this (unintelligible) for compliance function instead of a formal process, I would like to challenge the idea that

(unintelligible) never used doesn't serve a purpose. (Unintelligible) deterrents, a little bit possibility (unintelligible) to reach an agreement.

So no nuclear power has ever launched an intercontinental ballistic missile, but they do provide influence on what country does, so I challenge it, the general idea that a process that's never used doesn't serve a - this one should probably go (unintelligible) should probably not be there anymore to signify (unintelligible) process, but I don't (unintelligible).

James Bladel: Thank you, (Ruben). Let me say that in general I, in the abstract, in this particular (unintelligible), it doesn't jive with the volume and complaints received.

If the purpose of the dispute mechanism is to resolve disputes, it's not meeting that purpose. So it's not even, you know, making (unintelligible) in that ocean.

So who do we have next in the queue? I saw a hand go up and then disappear. And then we could - and I lost my network.

The comment was that we could benefit perhaps from some data from ICANN (unintelligible). As luck would have it, Carlos is here with some data.

So (unintelligible) element of our agenda, (unintelligible) turn it over to ICANN to go over some of their findings in this area. And really appreciate you (unintelligible) in advance of our requesting it, I think, to some extent. But I think you knew where we were going with this, and I (unintelligible) in delivering. And so take it away, Carlos.

One of the interesting things about the network here at Beijing is it's sometimes fast and sometimes not so fast. And sometimes it blinks off, but there we go.

Michele Neylon: I thought it was just something on my end over here.

James Bladel: No. That's a different thing altogether, Michele.

Man: Okay.

Michele Neylon: Okay, so let's see. The Midwesterners with their kind of wry - is that the word we're using? Wry sense of humor - it's kind of pick on Michele morning? Is that it?

Man: Yes.

Michele Neylon: Okay.

James Bladel: Mikey is Minnesota nice. Does everybody know that term?

Man: Oh, God. Here we go again.

James Bladel: So the Midwestern term is everybody is really nice. And what you don't realize is that they're nice to your face. They're really super-sweet. Behind your back, though - it's a sign of affection that he's right here in front of everybody.

The key thing - should we give it away? The key thing is if you ever hear Mikey and I say, in a public forum, "Well bless their hearts," that's trouble. That translates into something that is not suitable for...

Mikey O'Connor: That's as bad as it gets where we come from. And we just lost the network. Bless its heart. It's back.

James Bladel: Okay, yes.

Carlos Alvarez: We are ready to start then.

James Bladel: Okay.

Carlos Alvarez: So as James said, compliance with (SAS) to provide the working group with some steps regarding the complaints that we received that involve (unintelligible) transfers of domain names, and also to provide some feedback regarding the charter questions.

We did an analysis of public complaints that were received and processed during the period between January of 2012 and the end of February of this year.

And in the report -- that's what I'm showing here -- you'll find the breakdown of all the different complaint types that we wanted to highlight for you for your analysis and your deliberation.

In short, we received almost 6600 complaints involving - related to transfers, of which a little over below half, 42%, were invalid complaints, meaning that the complainant hadn't fully gone through the process that they have to follow in order to request the transfers. So therefore those wouldn't be breaches of course, or potential breaches, or just (unintelligible) complaint.

Of the remaining 58% of the complaints, that's a little over 3800, only 47 were related to unauthorized transfers. That's a pretty low number. Why do we only receive such a small number of complaints that are related to this matter? To the unauthorized transfers? We don't know.

From these 47 complaints that we received, 31, which is around 60% if I'm not wrong, were related to hijacking of the registrant or the admin contact email address, or hijacking of the control panel access credentials.

This means that these 31 complaints, although in appearance they were at first or seemed to be potential breaches to the RAA, in reality these were

more law enforcement matters or potential law enforcement matters. Why? Simply because an admin had been hijacked or someone had hijacked the control panel credentials for a registrant or an admin contact.

So we didn't get involved in those. In those cases, we asked the complainants - we told them that it's not something that we can look into, and asked the complainants to go to their local law enforcement (unintelligible) or the appropriate agency with jurisdiction to solve their or address their matter.

Of the remaining complaints that involved unauthorized transfers, (unintelligible) be complaint (unintelligible) registrar potentially did not receive the FOA, the mandatory FOA; or in which the losing registrar did not send the auth code to the registered nameholder, which (unintelligible) to which the auth code can actually be sent.

In none of the 16 did the registrar state that they were initiating a TDRP procedure. Now not only that, but there were some complaints in which the registrar supplied, simply asking the losing registrar to initiate it, but they wouldn't until its too late.

The third step - I'm scrolling down. I'm going to go a little slow. The part that I'm showing right now is related to the biggest types of transfer complaints that we received during last year- during 2012. I'm not going to mention this. This was provided. This was included in...

James Bladel: I'm going to go ahead and get started with this session.

Carlos Alvarez: At least on the annual lab page, the numbers are in the report. As I said, the majority of the contents that we received were not high articulated; were more a low enforcement related. Someone's signal had been hijacked and with that hijacking, they were able to pose or pretend that they were the redi-strength and go to the registrar and ask for the out code or send the FOA to the registrar and the registrar thought that the request was coming from the right

e-mail address and so the transfer was processed. Of course, it wasn't the registrar's fault; it was someone doing something naughty, basically.

There was - relevant perceptions that -- as I said -- none of the registrars in the 16 cases that did involve potential IRTP. None of those 16 - the registrars stated their intention of initiating the TDRP procedure. That's just - I just want to point it out to the working group because it's interesting to note that there wasn't that interested or at least it wasn't expressed by the registrars in the responses to analysis that we received.

When we received a complaint that's related to an unauthorized transfer, we sent two notices - one to the losing registrar asking them to provide us with copies of their communications through which they sent the out code to the registered name holder or a copy of the system logs that was generated when their registered name holder originated - logged into the control panel and retrieved the out code.

And to the gaining registrar we sent notice -- at the same time -- asking them to provide us with a copy of the actual FOA that they received, including the necessary information that we need to see. The dates, too, from the date - the field to/from date and time, basically, so that we can know when it was sent, to whom, and by whom it was sent.

And there was only one case in which the complainant itself mentioned that it is a case that could be or a model better that could be processed under the TDRP. The only one complainant -- from all the sea of complaints that we get mentioned -- the TDRP that could suggest that the registrants are not clearly or well - what the TDRP does or that it even assists.

Now, going down to the feedback that compliance would like to provide the working group with regards to the charter questions, I don't know what you would prefer, James, in terms of any kind of reading our answers to each question or just letting you guys -

James Bladel: Maybe just - well, let's first - if we want to have any questions or comments on -- I think -- the overarching picture that you've presented and then we can get into some of the feedback lacking compliance. So we'll start a queue. I want to put myself in the queue when we get - you guys are almost simultaneous, so ladies first and then we'll go Michele, and then me at the end. And then -

(Pauline Rice): The contract did not dispute preference for ladies. I have a question. Because - could you actually, sort of back up to the original statistic, which was all those complaints -- the vast majority of them -- were you say invalid because some of them were about information but you're saying they didn't follow the process.

Now, does that weight issues - in your mind there's something wrong with the process, is that not where we should be focusing rather than the rest of the detail? Because I'm hearing - the process isn't being followed anyway, people don't know it. So if we're talking, why are we talking about a process that most of the complainants haven't followed and the industry doesn't follow?

Carlos Alvarez: No - actually what's happened there, (unintelligible), is that - on the one hand it's - registrants use the complaint form not in confidential terms but just to ask questions. Those are a (unintelligible) and closed. Now, that might not be the majority, but those invalid complaints -- quote, unquote -- they are the big bulk or - that (unintelligible) valid complaints actually corresponds to some social or sociological phenomenon that we have noticed for some time that specifically comes from China in which red...

(Pauline Rice): Let's call it country X.

Carlos Alvarez: No, no, it's okay to call it. It's okay to mention because it's - nothing confidential. The registrants come to ICANN without having first approached the registrar. They come to us trying to have compliance - leverage - trying to

leverage and compliance so that their transfer request be processed. They haven't gone to the registrar, they come to us, they tell us, "I am upset with my registrar; I don't like their service. I want to transfer my domain, please help me."

(Pauline Rice): So that's actually an issue of education? It's an issue of what's and should the terms of reference be expanded to say, maybe, there's a registrant education process as well? I mean, I - what do you think you're doing about all those complaints because they're more specific than the one that you managed to find?

Carlos Alvarez: There are a couple of things there. On the one hand, we believe and we have shared with registrar from Asia and why they think that that happens, because it goes a little deeper than that. There are blocks in which you can find templates that they use to extract the text in emulation to beat the contents. So it's like a pretty fine template that they use to (unintelligible) the company.

We have -

Marika Konings: Can I just remind everyone to state their names before speaking for the transcript. This is Marika, by the way.

(Pauline Rice): Sorry, that's (Pauline Rice) for the transcript records. It's a bit late, sorry.

Carlos Alvarez: And so - this is Carlos, again. We have short with registrars mention to try to get their understanding on why they think that that happens. And it can be a cultural issue, it can be a language issue, it can be an educational issue.

And then with regards to compliance being active in field training, those invalid complaints (unintelligible) that increases our workload. And in terms of helping the registrants know what they have to do before coming to ICANN with a complaint in the systems upgrade that we're going to - there are going

to be some specific questions and some very specific and good information for the registrants for when they want to bring us a complaint.

So some specific questions are going to be asked of the complainants so that only when they have really taken those steps of going to the registrant "Please send me the out code" or "Please send my domain in, I already tried but I wasn't able to." Just to kind of checkmarks if you want them then it's appropriate if it's used so that they know what they have to do to get their domains transferred. That's something that we're considering.

James Bladel: So moving - I'm going to kind of bring this one in for the landing so we can move through our queue.

(Pauline Rice): Yes, I would have to say if we're not - the following - the transfer process isn't being followed, then maybe what you are actually putting in your templates - might wait and see if what comes out of here matches what's coming out of this group.

James Bladel: I'm not sure I understood that. So mean - so -

Carlos Alvarez: I'm sorry.

James Bladel: So Michele is up next.

Michele Neylon Good morning. Good morning, Michele Neylon for the transcript, thanks. I should actually go across to Joy first because I think we need to sort out a couple of things here or this is going to be excruciatingly painful for all parties involved.

The IRTP series of PDP has been going on for eons. When it all started, my Mikey was young and sprightly and, you know, full head of hair, was jet black. This was way back, you know, sometime in the 1990's or something, I don't

know. And he also didn't even wear glasses, he had eagle eye vision. And he had - oh, sorry, and he had 10 fingers and thumbs.

For people who aren't sitting in the room and don't know who Mikey is, I'm sorry if that makes no sense to you what I'm saying. Drag me into a meeting at seven in the morning, what do you expect.

The - back years before a lot of us were ever around, they said, "Hey, there's problems with transfers and every single time we've done a PDP on this. We drag complaints in here kicking and screaming because - and they truck out the statistics and transfers are always the one where they get the most complaints. However, the PDPs were set up to look at specific issues within transfers.

Now, that doesn't say that there aren't issues with transfers in general at some level. However, this particular PDP is dealing with a very specific set of issues. So I'd ask you politely to - if you need to understand some of the issues and complexities and problems and challenges -- I wasn't going to say that -- okay, but we haven't - how do I put this?

No, but we don't want to be getting into kind of things like, "Do people find transfers confusing? Can we improve transfers?" Which we probably could in some areas, but we might need to look at it from a slightly different angle. Now, going on to the (unintelligible) talking about...

James Bladel: Did you have a point of your own as well?

Michele Neylon: Of course I did. My God; Jesus Christ. Oh, you've made me complete - upsetting me. The - my understanding is that the TDRPs aren't the (unintelligible) in the best of times. That is not a very available direct for registrants; it's only available for registrars.

James Bladel: That is correct.

Michele Neylon Okay, just making sure we're all clear on that. So the likely...

Mikey O'Connor: It is one of our charter questions to...

Michele Neylon No, no, I know that. I'm just saying that it's highly unlikely that a registrant could ask for access to this since they don't have access to this.

James Bladel: It would be -- I think -- a very sophisticated registrant who was aware of the intricacies of the policy and the dispute mechanisms that were available...

Michele Neylon No, because...

James Bladel: Their registrar.

Michele Neylon No, that's - sorry, but just from the statistics and stuff here, that's what was confusing us more because I understood what you were saying if you - hold on. If you could go back one slide on your (unintelligible), please. Slides.

Mikey O'Connor: Where to, Michele?

Michele Neylon It was the bit with the breakdown. Something about - oh yes, here we go. The remaining 16 - (unintelligible) please. The remaining 16 -- yadda, yadda, yadda -- do not involve - blah, blah, blah. Okay, so this is the information coming from the registrar is not from the registrant. So this is after you have -

Carlos Alvarez: (Unintelligible) both registrars.

Michele Neylon Okay, this is - you're not interacting with the registrants at this juncture.

Carlos Alvarez: No, no.

Michele Neylon: Okay, fine. Let's just clarify that for me because I - remember it's early in the morning for me; my brain doesn't work particularly well unless - if I've had lots of coffee. Okay, that makes a little bit more sense to me.

Okay, going back to the thing with the invalid complaints. At the moment, are you able to see if the - if some of the complaints that you are classifying as invalid are coming back again? In other words, the same issue is half submitted and then maybe like the - on the third, fourth, fifth iteration they finally manage to submit it in such a way that you're able to do something about it?

Carlos Alvarez: We do get repeated invalid complaints. That happens. We try to filter as many of those as we can. Everything's manual because we have to actually read the complaints, we can't make an automated process or have them go through an automated system because we have to be their reading and understanding what the complainant is saying. And one or two may pass our filters a year -- I would hope -- but, yes, that does happen, Michele.

James Bladel: Thank you. So am I next or do we have anyone. So I'm going to take my working group hat off here a little bit and go into registrar mode and just weigh in with a couple thoughts and questions. First one being that I think that for every complaint that ICANN sees, there is a number -- higher than three, lower than 100 -- that represent the factor that registrars are dealing with successfully before the complaint shows up at your doorstep.

So I don't know what that number is and I'm sure it varies from registrar to registrar in between TLDS, etcetera, but there is some -- I think -- general understanding on all sides that what ICANN sees is the tip of the iceberg. And that most of the problem is being addressed in another - other venues.

Secondly, wanted to suggest that one of the reasons why we don't see the TDRP use or awareness is that, you know, in the case of a - in the case of a hijacking, the harm is measured hourly. The TDRP is estimated to be a six-

month process. It is not, you know - it's almost as if someone said, you know, "Help, my house is on fire" and I said, you know, "You're in luck, because I'm building a plumbing system in Q3 that could deliver water just in time."

You know, so I think there's just a disconnect of time scales. So what we see is registrars and registries and third parties -- I know Mr. Mountain I'm going to pick on him a little bit -- but is very plugged into the aftermarket and knows that they have put innovation around this problem as well. We've developed faster, more responsive ways to identify these issues and to address them before the harm can set in and, you know, either reverse the transfer.

You know, what's the book - we make a blink decision based on known patterns. And I think that you could also say that the lack of popularity of the TDRP is an indication that that's working. For the most part. I mean, there's always marginal cases, but outside a periphery it's working.

And then the final thing I wanted to point - just to raise a question. You said something about law enforcement is driving most of your requests. Did I mishear that?

Carlos Alvarez: Of the 47 complaints that were related to unauthorized transfers, 31 were related to hijackings (unintelligible) control panels. And why I mention law enforcement it's basically because what we do with those is that we write back to the complainants and ask them to go to their law enforcement agency or hire an attorney or whatever.

James Bladel: Okay, so I will point out that registrars want to fix this problem for their customers. I don't think you're in a situation where a customer comes and says, "Hey, you're my registrar and my domain name's been stolen." And the registrar's saying, "That sounds like a lot of work and get lost." I don't think that's happening. Because you're - you have an opportunity to not only retain a customer and revenue and market share, but all of the good things that

come with that, you know, cause you to acquire that customer in the first place and are now being jeopardized.

Secondly, I will point out that it's often said in the context of domain name security that, "Well, registrars just need to beef up their systems a little bit. You know, get two facts of authentication, I have to show you my face, my thumbprint, a pint of blood, and that's the only way I can do a transfer" and all this stuff.

And I think what we've uncovered in the series of all these working groups is that doesn't work either. Because there are outside factors like free e-mail services that folks will link to their who is information because they don't want their real information in who is - now we're back to a who is problem. They don't want to put that e-mail address in there because they're going to get bombarded by spam. So they go out and get a disposable e-mail address and then that's the one that gets compromised. They do a password reset and then boom, they've got their domain name. So, you know, the vulnerabilities exist across the system and then outside of ICANN.

And finally, just wanted to close off by saying that I think that the final mechanism -- law enforcement, UDRP, courts -- you know, those are kind of a last word mechanism. I think what we get to is someone says, "If I'm going to spend six months on this and the amount of money that's, you know, wrapped up in a TDRP, I'm just going to get a lawyer.

You know, I'm going to get -- not in the room -- I'm going to get (John Berry) on this case here, you know, get my domain names back." Or, "I'm going to" - you know, and I think there is a perception that that avenue is - offers more certainty and more speed than the ICANN constructed process.

So, you know, I'm kind of starting to build this prejudice that before we dive in and start with a monkey wrench and a screwdriver and start fixing everything that's wrong with TDRP, we have to really look at TDRP and say, "What was

the intention behind it, is it doing what it was intended to be done?" And if not, do we still need it?

Sorry, that's my rant.

Mikey O'Connor: Now that you've done your rant, it's (Michele's) turn to rant.

Michele Neylon I'm going to try not to rant. Okay, a couple of things. First off, going back to this thing - picking up the (James') saying about the law enforcement thing. So, I mean, since it's clearly it's not a law enforcement request, it's just the issue needs to be dealt with by law enforcement. Okay, that's - just making sure it's clear for everybody in the room what we're talking about. And being there, seeing that, done that, two of them turned up in my office in combat and got terribly confused when they couldn't find anybody in the building to arrest and - I wish I was making this stuff up.

Anyway, the - in the previous PVP on IRTP -- and wow, it's - I'm getting up to speed on acronyms now -- we came up with the transfer emergency action contact or whatever the hell it was. The (unintelligible) or something.

Mikey O'Connor: That was actually two PVPs ago. I hate to point that out.

Michele Neylon Yes, it was when I chaired.

Mikey O'Connor: And the C stands for Channel.

Michele Neylon Channel, oh, channel. Thank you. So the question I suppose I have for you, Mr. Compliance, sir -- yes, I'm being respectful towards compliance please note -- how many instances are you aware of of that being used or there being issues with it? And based on your experience in dealing with this, do you see that as actually resolving the problem that this rather convoluted, lengthy, and totally ineffective system seems to have been designed effects? "Oh, yes, my answer is (unintelligible) something stupid." Sorry, go ahead.

Carlos Alvarez: This is Carlos again. You got to a TF - we don't have visibility of the whole picture. We see very few cases and the only cases that we see are when either the registrar's looking or gaining comes to us because the transfer comes to - the emergency contact in the other registrar didn't respond within 24 hours. And once they get back to us and once we see that they responded and engaged with the other registrar, we stand aside.

So we don't know - we don't have visibility of what happens - of how successful that is.

Michele Neylon Okay, let me just kind of - (unintelligible) trying to (unintelligible) something out here, just two seconds. With some of the transfer complaints, are you traveling - are you the registrar's to use that? So, okay, you got a complaint from somebody to do the transfer because it's possible that the losing registrar isn't aware of this or whatever. I mean, are you pushing people towards those or not?

Carlos Alvarez: Compliance doesn't suggest to the registrars that they use the TX. If that's the question that I think you're asking, Michele. We are standing by if you want and we process it - the (unintelligible) complaints that we get from you and your colleagues, basically.

Mikey O'Connor: Back to the queue, I think we're going to - James. Anyone else want to jump in on this one? Otherwise we're going to throw the ball back to James to wrap it up?

James Bladel: Thanks Mikey. I put myself in the queue as kind of a place holder to bring this in for a landing and Carlos, I mean, rather than reading the feedback, did you have any parting thoughts on what the numbers are telling you from a compliance perspective on these issues? So you've presented your data, now's the time for the narrative.

Carlos Alvarez: Yes. I think that there's one thing that's really important and you mentioned it, James. It's related to whether the FOA is needed. And as it stated in the report, although in a normal, legitimate transfer request it can seem or may seem redundant to have both the out code and the FOA, what we see from our perspective -- and I want to use the word consumer protection -- I don't know if it's appropriate to use it or not.

But to just thinking on behalf of the registrant, what can happen given the registrant and the in contact are different (unintelligible) is that if the registrant in our address or the access credentials to the control panel are hijacked and the registrant requests either of the transfer contacts to provide the FOA, then the admin contact can prevent the unauthorized transfer to take place.

That's kind of -

James Bladel: I don't think that's correct, actually. Maybe can you state that again? Because I think you...

Carlos Alvarez: Of course, of course. If you have registrant named Carlos and admin contact James and (Carlos') e-mail address is hijacked and the hijacker goes to Go Daddy and does the transfer and Go Daddy sends - asks both the transfer content to send the FOA in order to approve then to let the transfer go through, then James -- as the admin contact -- can block out - I know where you're going. I know where you're going.

James Bladel: (Unintelligible) holes in that chain. Okay.

Carlos Alvarez: I know where you're going. The (unintelligible) supersede that admin contact.

James Bladel: And that the registrant's e-mail address is not...

Carlos Alvarez: It's not mandatory. It's not...

James Bladel: Published in (unintelligible).

Carlos Alvarez: Mandatory. It doesn't have to be there but it usually is there, as a matter of fact, in the (unintelligible).

James Bladel: It usually is there. Yes. Okay, so I think (unintelligible).

Man: (Unintelligible).

Carlos Alvarez: The point is that when registrants and admin contacts are different, it is the other way around, then the admin contact's e-mail is hijacked and the registrant can stop the...

James Bladel: That is correct. And what we have seen, I think -- and I'm speaking as one registrar, I have other registrars around the table -- what we have seen is that our first outreach for an FOA is to the admin contact e-mail address and if the transfer proceeds, then that's a non-issue, but then if there are any problems we will attempt to contact the registrant because they are, you know, an override contact, so - (unintelligible).

Woman: (Unintelligible) speaking. I just want to make sure I understand. So we're basically talking about keeping it a belt and suspenders type of mode because the way who is created creates a security hole.

James Bladel: No, I think we're saying that's one of about a dozen security holes.

Woman: Right, it's one - but in this specific case, the idea is that we need belt and suspenders because the functioning of who is -- if somebody actually puts in accurate information -- actually creates a (unintelligible) problem.

James Bladel: Not - no. in fact, and I'm (unintelligible)...

Woman: That's what it sounded like.

James Bladel: Suspenders might be an east coast thing that I'm not picking up on, but...

Woman: You know, fat guys having both because they want to make sure their pants don't fall down.

James Bladel: Oh, I see. Okay. In fact, I think we identified and I believe IRTPA -- which was chaired by (Aldiaz) -- was that the registrant e-mail address being left out of who is was actually a bit of security through obscurity in that registrants had this extra individual they could reach out to in - just in case the thing goes off the rails, there's this unpublished contact that can intervene an override.

Carlos Alvarez: And, if I may...

James Bladel: Yes, I mean, if there's ever something screaming for a two factor encryption - - you know, a PKI type of thing -- but anyway. Carlos, we've really hijacked your closing statements here.

Carlos Alvarez: That is the idea. And that is purpose of having here to have you ask questions and ask for right answers. There's one more thing why to ask for compliance it's important - or at least has been relevant to have the FOA. It's just that not all the registrars have their systems absent standards. Some have created systems that are super strong and super robust but other registrars may be as up to date or may not have such good systems.

So if we don't have - and when we get this conference and it goes to both registrars, it's important for us to see - I'm going to go on the back.

James Bladel: No, right.

Carlos Alvarez: Those registrars whose systems are not so updated or earned as good as others may have problems providing us copies with the communications to which they sent the up code to the registrant. I'm speaking and what I'm

referring to here is it's just an extra -- this is going to sound really legalize -- an extra piece of evidence that help us help us determine whether or not both registrars move toward a process that transfers within their (unintelligible) basically. It's just evidentiary.

James Bladel: Okay.

Carlos Alvarez: Like from that perspective.

James Bladel: And I would say if you are encountering -- this is just an observation -- if you're encountering a registrar who systemically is unable to produce evidence of...

Carlos Alvarez: Oh, no, no, no, no. We addressed that. That's fine.

James Bladel: Okay, because they're in breach of their RAA.

Carlos Alvarez: No. Of course.

James Bladel: Okay, okay. So well thank you very much Carlos and compliance. I think that the compliance has a compelling story to tell not only that transfers our (R) and remain one of the most frequently concerning topics for ICANN for complaints but also that the TDRP is, you know, like waving a stick at the problem here. It's really not solving anything and it's not really an effective tool towards addressing this. So -and thanks for everyone for your thoughts on this.

So I wanted to move then to the final part of our - well we had also allotted some time to discuss our charter questions. But I think that we are now into the Q&A session for our participants of the working group, participants in the room, anyone on the phone really. We wanted to turn this into now more of a public outreach session on these charter questions.

You know, we have covered the transfer issue fairly, you know, we've beaten that horse to death, you know, we dug it up, you know, we beat it some more and then we threw it over a wall for other people to beat on it. So, I mean, but we can still, you know, if you guys want to resurrect that horse and beat him some more I'm game.

((Crosstalk))

James Bladel: The - just the overall - the transfer process is a mess and...

((Crosstalk))

James Bladel: ...confuses people.

Michele Neylon: Just speaking to that very quickly, James. And I won't take more than a couple of seconds. I...

Man: This is Michele.

Michele Neylon: Oh sorry, this is Michele. It's the guy with the Irish accent. Wasn't there something somewhere about educational material being produced by ALAC or something...?

James Bladel: Yes, yes I think back - way back we discussed something and I remember a meeting in Cartagena where we talked about document like care and feeding of your brand new baby domain name. And yes. (Unintelligible).

Holly Raiche: Wasn't there but at (unintelligible)...

Man: This is Holly.

Holly Raiche: This is Holly. So sorry I don't have an Irish accent. It's a Boston accent.

Michele Neylon: It's okay. We'll forgive you.

Holly Raiche: Thank you.

James Bladel: That's not a Boston accent.

Holly Raiche: It's a Boston accent that's been outside of Boston for a few years.

James Bladel: Yes, a lot. Yes, yes.

Holly Raiche: Right. Thank you. The point I was going to make was there is a document called the Registrar's Right to Responsibilities document that has to be circulated. Now I said at the last meeting and I'll say it again: this could be a really good opportunity for a (unintelligible) that says by the way if you have a name this is what you can do and by the way this is how to do it and it maybe go to a link or something. It may be an opportunity to say let's tie all of the information together and let's get something out there.

I'm not sure that ALAC ever agreed to do this. I was not responsible for putting a hand up and saying that's terrific. But I do think from what I'm hearing is the registrar needs to know that there is a process and that maybe they can actually do something like ask the registrar to engage in a process to fix it.

James Bladel: Okay. Thank you. So - and I'm looking now at the white chairs of the folks who have enjoyed our coffee and our Wi-Fi and our regional insul- or observations, speech mannerisms. And I'm asking what are your thoughts? What are your impressions of what we've discovered today? Would you - we took your names at the beginning so you can come up voluntarily or we can start, you know, calling on people. Really it's - it really doesn't make any difference to the working group.

So we had this problem: transfers are confusing. Transfers are generating a lot of work compliance. We've already determined that for every case compliance sees there's a whole bucket load that registrars are working on their own. Law enforcement gets involved and shows up at Irish businesses. Mikey chewed off a finger, half of a finger.

((Crosstalk))

James Bladel: Two thirds. And then we have this mechanism that's supposed to fix it quickly is not fixing it. So parting shot, parting thoughts? Observations?

((Crosstalk))

James Bladel: Oh, I think it's in the nature of the ICANN culture. I'm, you know, behind a little bit on the (unintelligible) culture to say well this document is X pages long and it's not working so it needs to be X times 4 pages long. That will fix it. Whereas I think those of us in the commercial sector look at things like this and say product isn't selling, why does product exist? Mechanism isn't being used, business doesn't meet its purpose, project didn't meet its goals, you know, defunct cost fallacy I think, yes. We're a lot more brutal, you know in those (unintelligible).

Woman: Wasn't that my first question?

Woman: (Unintelligible).

Woman: You know?

((Crosstalk))

Woman: I mean, are you suggesting that we all look underweight? The Irish I hear are really good at weight.

((Crosstalk))

Michele Neylon: Is that - are you throwing down a gauntlet?

((Crosstalk))

Mikey O'Connor: Well James, let me jump in. This is Mikey.

James Bladel: Yes, Mikey.

Mikey O'Connor: I haven't gotten to talk very much.

((Crosstalk))

Mikey O'Connor: It really hurts me not to be able to talk. But I think one of the things we have to be really careful on is that during this last bit we tended to conflate the IRTP with the TDRP. And I don't think anybody's arguing that the IRTP is broken.

I think the question is the TDRP was the dispute part is the part that we're talking about and that's a very old piece of code if you will. Was created a long, long time ago. It's too bad Barbara's - I don't think Barbara's on the call today. But Barbara Knight from VeriSign can testify as to how little it's used and they're by far the biggest place where that would happen. Seven times out 10 gagillion (sic), you know, it's like these crazy ratios.

So just to be clear nobody is suggesting that we get rid of the IRTP because that's a thing that's actually working pretty well and this group of people through 92 working groups have improved it a pretty substantial amount. But there is a case to be made to take a really hard look at this now quite old dispute resolution process and that's really our focus in this working group.

James Bladel: So our visitors from - Chris. Yes, Chris go ahead.

Chris Chaplow: My name's Chris Chaplow. It's a general comment. I think it's - there won't be a bad time to bring it up although it's not fully wrong from what Mikey has said. There's an issue that I had a problem with a domain where there's no point in going into the details.

But if you have got a problem as a registrar - with a registrar and you go to the ICANN Web site and I did for the first time with a genuine problem rather than go to the ICANN Web site just sort of browsing around. And on the homepage you take on - it was a button on the front there that says I need help, domain name transfer, yes, good. Click on that.

And it really does seem like it's a big castle with strong walls and we don't want anybody to get in or - with this long list of things and things you can do. And you have to really fight your way through that and then it says ICANN doesn't really want to get involved and it's a dispute between you and the registrar. And if you want to you can fill in this form and we'll observe it for statistical reasons.

And even with all that from what Carlos was saying earlier a lot of people still come in with, you know, and maybe I think ICANN maybe needs to become more customer focused maybe with its support and pointing people in the right direction rather than, you know, appearing to fight everybody off. I know there's a big resource question on that and we could try to talk about 24/7 phone numbers and things like that and maybe this is already in line. But it sort of strictly relevant to this working group and I think it does need to be said if you're doing review and say is that right? Thanks.

James Bladel: Thanks, Chris. And Mikey and I were just kind of chuckling that ICANN does - it sounds like it takes an interest in those cases for purely academic and research value as opposed to actually getting your domain name back. So kind of an interesting perception of the resources available.

But, you know, we certainly don't want them - well we've certainly seen the other side of it where ICANN has waded into those issues. Sometimes the person claiming to be a victim is actually the criminal. That's actually a fairly common thing, so.

We have about 11 more minutes and I wanted to open up - we have folks from Taiwan, we have visitors from Google, we have people who have just come in. Thoughts? I know the gentleman from (Dyne House). Where's Graeme? Okay. And (Jeremy) the same?

Well what did (Dyne) think about this? I mean, here we have a registrar in the room that's awfully quiet. Any - I'm not sure where our remote microphone went so if anyone wants to come up. Can we have our AV folks with the remote microphones? Hello?

((Crosstalk))

Michele Neylon: Maybe Mr. (Dyne) would like to come up and join us at the table.

James Bladel: Yes. (Unintelligible).

Michele Neylon: Oh, we have a microphone for him.

James Bladel: Oh, we do have a mic.

Michele Neylon: But he can still join us at the table anyway.

James Bladel: Yes, sure. Anyone please. We are - we're getting to the end. We wanted to make sure we're allocating time for...

Graeme Bunton: Hey. Graeme from (Two Guys) here.

James Bladel: Hey Graeme.

Graeme Bunton: Just for a little bit of context I extrapolated out from how many we do a day to how many probably transfers are successful a day. And it's more or less 20,000 I would guess.

James Bladel: Now you're talking about successful transfers...

Graeme Bunton: Successful transfers.

James Bladel: ...per day.

Graeme Bunton: Per day.

James Bladel: Okay.

Graeme Bunton: (Unintelligible).

James Bladel: And how many TDRPs would you estimate you have filed?

Graeme Bunton: I've never heard of one.

James Bladel: Okay. I think when we posed that question to some of the large registries -- VeriSign, (Affiliates) and (New Star) -- the answer was very small number from VeriSign. (Affiliates): we'll get back to you. New Star...

Graeme Bunton: What? So, yes.

Michele Neylon: How many have you filed, James?

James Bladel: (Unintelligible).

Michele Neylon: You're the largest registrar on the planet.

James Bladel: Yes.

Michele Neylon: How many has Go Daddy filed in the last 12 to 18 months? Is it less than ten?

Graeme Bunton: James just...

James Bladel: It's probably...

Graeme Bunton: ...just make up a number.

James Bladel: It's probably really close to zero. So I don't want to say zero because there could be one out there. Probably between zero and five.

Michele Neylon: Okay. Thank you.

Man: So please forgive me. I'm very new to the subject, haven't done much research. One of the issues that I sort of picked up on while I was listening was there seems to be an issues with the registrants not knowing what to do. And having the pleasure of diving through the ICANN documents especially the TDRP I'm wondering if there is a resource out there that takes you to TDRP and puts it in, you know, layman's terms, you know, take out the legalize. A document that, you know, could be pictures, people like pictures. Something that the registrants can easily refer to and easily understand what the process is and what they're able to do.

James Bladel: I think that's a good observation and possibly one of the avenues that could be used to improve the process and make it more affective against this issue, so. I like the idea of pictures, I always do. And I also like the idea of boiling away legalize. I don't know I - like I said it's - we have this kind of reflexive thing that well this needs more words. That'll make it better, so.

((Crosstalk))

James Bladel: Okay.

((Crosstalk))

James Bladel: So we - yes, we're going to have to probably wind this one down and I'm supposed to be somewhere else. I think Marika already left to the place I'm supposed to go to. So we will wind this up.

Any - I wanted to mention that we do still - we are early enough in the process we don't want anyone to feel like they have to miss out on this. The train is still just barely in the station. If you run a little bit you can still grab onto the railing and we'll of course extend a hand and pull you on board.

So if you find this information is just so, you know, compelling you can't wait to see how it ends please join us on the working group. We have new episodes released every Monday at I want to say 1500 UTC is our standing teleconference. There's LARS and there are - on our working group, on the Wiki there are instructions on how to join, how to submit a statement of interest and, you know, if you enjoyed the comedy well there's usually some of that too.

So thank you everyone. We can probably now safely end the recording. And really appreciate everyone coming out to Beijing especially the newcomers and the new members we have. Thank you.

END