

ICANN Prague Meeting
Locking of a Domain Name subject to UDRP proceedings - TRANSCRIPTION
Sunday 24th June 2012 at 15:45 local time

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Stephane Van Gelder: So operator, can I ask for the recording to begin on the next session? Please confirm when that's done.

Coordinator: The recordings have begun.

Stephane Van Gelder: Thank you very much. Welcome back everybody and we will now discuss the locking of a domain name subject to UDRP proceedings working group. We have Michele Neylon who - and - well, we should have Alan but he's not here I don't know - I know there was another thing going on so perhaps he won't be able to make it but Michele you are vice-chair of the working group with Alan. Is that correct?

Michele Neylon: No, we're co-chairs.

Stephane Van Gelder: Yes, that's what I meant. Sorry. You're both chairs. Yes.

Michele Neylon: Yes.

Stephane Van Gelder: So Michelle, please take us through your presentation.

Michele Neylon: I'm sorry. No, I'm chair and he's vice chair so - you have - Marika's just corrected me. Anyway, thank you Stephane. So I'm just trying to go through this. I suspect quite a few of you are familiar with the UDRP and the - but there are recommendations coming out of IRTP Part B on this report on the UDRP so this is where this PDP came from.

And one the things I love about giving up the GNSO is the great use or acronyms. I've already begun to get kind of an overload. Several of the working group members are here in the room today I believe. I see John Berryhill. I'm not sure about others that might be hiding. At the moment, currently there's no requirement to lock names in purely between filing a complaint and commencement of proceedings and there is no definition of status quo.

So there were, first of all, there was the drafting team and then that went to PDP itself. So the charter questions we're trying to deal with are as follows - should an outlying of approach procedure of a complaint should that (procedure and) complainant must follow instructions to place a domain name on registrar lock to be created.

Again, create the steps of the process, the registrar can reasonably expect to take place during a UDRP dispute. Again, with respect to the timeframe, we'll actually stay on the line, and also as well, whether what actually constitutes ALAC, if that could be defined or should be defined.

Whether, once the domain is locked to the UDRP, the registrant information can be changed or not. There are additional safeguards required. So they develop - the working group is formed and start its celebrations. There are 28 members with all stakeholder groups represented as well as participants from both WIPO and ALAC. I don't know if anybody from WIPO is here because I

don't actually know what they look like in person. I believe they're here in Prague this week.

One of the - locking because you can't really lock without unlocking and vice versa. The two are going to go hand in hand. But we wanted to seek clarification from the council on this, so the question as far as - what group interrupts the charter is also looking for clarification of (planning) unlocking of a domain name should be done once UDRP proceedings are completed.

This is not specifically mentioned in the charter and the work - therefore looking for confirmation from the GNSO council that this is a correct interpretation because one of the fears that we have as a working group is that we would go outside the scope of our charter because as we know, a - we cannot have a PDP on the UDRP as a whole but we have to keep a very, very narrow focus so we're just making sure that we don't go outside the scope and that's why we were seeking clarification from you.

And also this week, during the Prague meeting - and my co-chair has now arrived. Hello Alan. On Thursday, the 28th from 9:00 am until 10:30, we will be having a workshop and anybody who would like to come along is more than welcome. So does anybody have any questions? Yes.

Man: Thanks Michele. Actually, I have two questions, one for us as a group but one for you. When you're talking about unlocking, just so I understand, it's unlocking if a complaint is denied or unlocking if it's accepted and then they have to do the transfer? So it's just...

Michele Neylon: It's unlocking in general because the thing is, even if the com- whether the complaint is denied or not, the domain can't remain locked forever.

Man: Right. Okay, so then the question for us, so then they've asked us, the council, to confirm, and we have to do that by a motion or can we just do that by some sort of acclamation?

Michele Neylon: Well, I think we don't have to do that by a motion. We're being asked a clarifying question on the charter that we've already set, so I believe we can - the first step would be to try and get an answer. And then we can try and work out how we want to prove that response. But so far, I've not seen any response to Rosemary's question which was posted on the council list a couple of weeks ago I believe.

So we don't have yet a situation where we're in a position to answer that question. So let's start there and open that discussion up because I think that's the crucial point for you - you guys, at this stage, is to try and get that answer Jeff.

Man: Yes, I mean, from my perspective, the answer would be yes. I think it's just logical. It's not something we - it's just inadvertent that's even a question and so from my perspective, and (unintelligible) perspective, I say we just say yes and have the group move forward.

Man: Does anyone disagree with that? You have your answer.

Man: Thank you.

Michele Neylon: Any further comments or questions for Michele or Alan? No, I was asking if anyone else wanted to ask me something. Sorry to wake you up. Stephane, you do take too much pleasure from having any - from sharing the microphone with me. I do. I know.

Man: We'll always have Bulgaria.

Michele Neylon: I apologize for that.

Man: Me and Michele share a special relationship as you can all tell, no doubt. He is French after all. So any - we are on the record here Michele.

Michele Neylon: I know. And as you know, anything that I would say to you off the record I would say to you probably on the record. So it's quite okay. I'm sure you'd just like to sue me of course.

Man: No further questions, in which ca- Michele, Alan, would you like to add anything?

Man: I'm disappointed that you decided yes so quickly. I had some marvelous arguments for why you should not say no. But thank you anyway.

Man: Okay, so thanks to you both. I'm glad we could answer that question for you and carry on with the work. Thank you for doing that work. We will then move into the IDN variant session after a five minute recess. So IDN variant next. Operator, please end this session. Council members, please be back in five minutes. Thank you.

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