ICANN San Francisco Meeting
Presentation of IRTP PDP B Proposed Final Report
TRANSCRIPTION
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Michele Neylon: Okay. Good morning everybody. And welcome to the wonderfully exciting Inter Registrar Transfer Policy Part B PDP Proposed Final Reports. Woo-hoo, it's acronym central.

Okay. The way this is going to run is we're going to go through the report and report's main recommendations. Anybody has any questions, queries, comments or anything like that, please feel to light the - raise their hand and try to interrupt and we'll try to address those queries.

This is Michele. I'm Chairing this meeting. I was the Chair of the working group. Several of the working group members are here with us today. They're sitting around here towards the top. So let's get going.

Okay. IRTP. Basically IRTP it's the policy about - which governs the transfer of domain names between registrars. It is not - it does not cover the transfer of domain names between registrants. So if you're moving a domain name from one registrar to another, this is the policy that governs that.

So it's a straightforward process for registrants to transfer domain names between registrars. And this is Part B. It's part of a series of policy development groups that are looking at making changes where necessary to

the policy. So currently under review to improvements and clarification and we're one area complaint according to data from ICANN compliance.

One of the key things with policy development is it should be based on facts as opposed to conjecture. And we were very lucky in part of our earlier deliberations to be dealing with hard data provided by ICANN's compliance team. So there are five PDPs. For those of you who aren't familiar with ICANN acronyms, a PDP is a policy development process. Thank you.

Okay. So the charter questions we were asked to address. Should there be a process or special provision for urgent return of hijacked registrations, inappropriate transfers or change of registrants? And please note again, this is a change of registrant in relation to a transfer of registrar.

We were also asked to look at the registrar lock statuses, the standards, best practices and clarifications of denial Reason Number 7. And I read Number 7 refers to the existent policy.

So when did it all start? We've been working on this since June 2009. We published an initial report back in May of 2010 before the Brussels meeting. We opened it up for public comment after the meeting in Brussels. We received 17 community submissions or comments. We reviewed those and we moved forward based from that.

Now we actually did - we did take those comments on board. We made significant changes to some of our recommendations based on the feedback we received. So the proposed final report is currently open for public comment. So any of you who wants to make a comment who wants to say that you like it, hate it or think we can change this, now is the time for you to do so.

So what are the recommendations? The first question we were asked to address was whether a process for urgent return resolution of a domain name should be developed as discussed in the hijacking report in the SSAC.

So recommendations are as follows. Recommendation Number 1. The working group is considering recommending requiring registrars to provide an emergency action channel as described in the SSAC Document 007. The working group recognizes that there are further details that need to be worked out. And this emergency action channel could also be used for non-transfer abuse issues.

Recommendation Number 2. The working group recommends that registrants consider the measures to protect domain registrar accounts against compromise and misuse described in the SSAC Document 044 Section 5. This is basically all of our best practices for protecting your account data.

Charter Question B. And if anybody has any queries, questions, something's unclear, please do interrupt me because otherwise I will quite happily talk for the rest of this meeting uninterrupted.

Condition provisions on doing inappropriate transfers needed especially with regard to disputes between a registrant and their main contact. The policy is clear that the registrant can overrule the amend contact but how this is implemented is currently up to discretion of the registrar. So recommendations based on this. Working group recommends requesting an issues report on the requirements of thick Whois all incumbent gTLDs.

Recommendation Number 4. We recommend request should report to examine change of control function including an investigation of how this function is currently achieved. Is there any applicable models in the country code name space and any associated security concerns?

Now what we mean here by the change of control is like in terms of the domain name. So if for example the domain is controlled by John Doe and afterwards it become - it's controlled by somebody completely different.

Number 5. The working group recommends modifying Section 3 of the IRTP to require the registrar of record, in other words the losing registrar, be required to notify the registered name holder or the registrant of the transfer away. At the moment that's optional. Doesn't have to be done. Several of the registrars do but not all do. It's not consistent.

Charter Question C. Whether special provisions are need for a change of registrant when it occurs near the time of a change of registrar. The policy does not currently deal with change of registrant, which often figures in hijacking cases.

So the recommendation we came up with here was modification of denial Reason Number 6. So the language is expanded and clarified to tailor it more to explicitly address registrar specific locks in order to make it clear that the transfer complex often the registrant must give some form of informed opt in express consent to having such a lock for (plot) and registrant must be able to block the move upon reasonable notice and authentication.

And lastly, Charter Question D where the standards or best practice should be implemented regarding use of a registrar lock status - registrar lock status when it may or may not be applied or should or should not be applied.

And so the recommendations we came up here is if a review of the UDRP, which is the uniform dispute resolution policy is conducted in the near future, the issue of requiring the locking of a domain name subject to UDRP proceedings is still taken into consideration.

Number 8. The working group recommends standardizing and clarifying Whois status messages regarding registrar lock status. Charter Question E.

Whether and if so how best to clarify denial Reason Number 7, a domain name already in lock status provides that the registrar provides a readily accessible or reasonable means for the registrar's name holder to remove the lock status.

Sorry, I didn't provide the wording of this. It's in the policy, so. You'll have to excuse that. So we came back and said well the working group recommends deleting denial Reason Number 7 as a valid reason for denial under Section 3 of the IRTP as it is technically not possible to initiate a transfer for a domain name that is locked. And hence it cannot be denied making this denial obsolete.

Then denial Reason Number 7 should be replaced by adding a new provision in a different section of the IRTP on when and how domains may be locked or unlocked.

SO the next steps here we have the public comments, which is open until the 31st of March. And anybody who wants to should submit their comments. And even if you think that what we've done is absolutely fantastic and wonderful, please do let us know because unfortunately we can only go based on what people are saying to us.

If we don't - if you don't say that you like it, we don't know that you like it. We'll only hear about the critique from other parties. So if you think it's okay, a simple hey, that's cool would be appreciated.

Once we've - once the comment period is closed, we will then review those comments and then move forward to finalizing the working group's recommendations with the GNSO Council

If you want more information, there's a number of links there. And you can find them on the ICANN Web site as well of course. So does anybody have any questions, comments or anything else? Marika.

Marika Konings: This is Marika. It might be worth pointing out that if you look at the different recommendations, I think most of them it's, you know, we're asking for the input on the overall recommendation. But if you're looking at the Recommendation 1, I think it's identified on the slide as well there's still some open questions that the working group is looking for input on that deals with emergency action channel.

So some of the questions that the working group is asking is, you know, within what time frame should a response be received after an issue has been raised through such an emergency action channel. What qualifies as a response? Is an automatic email - does that - is that sufficient?

Should there be any consequences when a response is not received within the required timeframe? Certain time limit during which the emergency action channel might be used in relation to transfers. You know, which other issues might be used for the emergency action channel? How and who should document the exchange of information? And who is actually entitled to make use of the emergency action channel?

So I think those are questions that the working group still need to address and remaining work that it has ahead of it. So any input that you might have on those questions I think would be really appreciated in addition to any other comments you might have on the other recommendations.

Michele Neylon: So this is open to the floor if anybody has any comments, questions, queries or did we successfully put you all to sleep? Mikey's nodding. Thank you for the over confidence. Berry, go ahead.

Berry Cobb: Do we have any questions on the phone? Is anybody on the phone?

Coordinator: I have not participants on the line.

Berry Cobb: Okay.

Michele Neylon: Going once. So should this be like kind of, you know, historically short as to a working group meeting ever? Does anybody want to know more about the - I mean - are there any questions about the weather? Okay. I'm going just pick some people.

(Adam): I'll actually ask a quick question around, this is PP205?

((Crosstalk))

(Adam): ...what the plans are around that. I'm just - I'm actually just not familiar with. I know there was an A and B and like how that works and what the spread is around that.

Michele Neylon: At this point I think I'll call on Marika to address those since she knows this better than I do.

Marika Konings: So this is Marika. So I think the Council decided an issue that these PDPs would be taken - I mean so finish A, then start on B. When B is finished, start the C. But I do believer there has been some discussion n the working group whether it might make sense as, you know, many of the people that are involved in B where also involved in A to maybe see if the rest of the issues can all be taken together in one really big PDP.

I don't know but that's the recommendation the working group is going to be. But I know there has been some discussion and I don't know if any of the other members want to comment on that whether they think that is a recommendation to do to make to the Council.

(Adam): So they're split by a shoe set basically?

Marika Konings: Yeah.

(Adam):   Right now.

Marika Konings: Yes. The initial grouping that was made I think they grouped them together on issues related but also on the perceived sense of difficulty or issues that were more difficult to resolve I think are at the end of the queue.

(Adam):   Right.

Marika Konings: So they thought the ones that are easy and might take less time were up at the front. But I think we've still, you know, taking quite some time on going through them because they're complicated issues. I mean if any of them need to be called, you know, input from some technical experts to talk about, you know, how EPP works, what is possible, what isn't. So the input is far from ICANN complies and legal and certain issues.

So I think, you know, what we're trying to see because many of the issues are interlinked in some way because they all deal with the transfer policy whether maybe C, D and E need to be taken together in some shape or form.

Michele Neylon: So (Adam), we hope that you will be volunteering to help out with the - any future working groups in this area.

(Adam):   It could happen.

Michele Neylon: I mean ultimately anybody who wants to get involved in any of these working groups is free to do so. There is no - there is no restriction. So if you want to get involved, you know, just next time a working group opens up, feel free to volunteer. And no, that's not aimed at you (Adam).

(Adam):   While I'm here I may as well ask another question. Can you talk a bit about where the requirement around the emergency action channel came from referring to SSAC double 07 here and what the sort of outline that was

around that that got the PDP to start thinking about it? Did the working group say?

Michele Neylon: The - from the conversations that we had between the various people within this working group, one of the salient issues was that let's say if a domain has been transferred from Go Daddy to Two Cows to Network Solutions, you know, there are lines of communication between those companies. So, you know, somebody in Network Solutions can pick up the phone, ring Two Cows or somebody in Two Cows can ring Go Daddy or vice versa. That's not an issue.

The issues arises where the registrar who is receiving the domain name could be less than responsive. I think Mikey you were involved with some of this so you might want to mention a couple things.

Mikey Connor: So (Adam) are you asking the history of the SSAC 77 stuff?

(Adam): Basically yeah.

Mikey O'Connor: Okay. SSAC 77 is six years old so I ranted at the meeting this weekend thing. You know, six years is kind of a long time to wait for action on this. And basically what - the goal of this is SSAC was saying you need to be able to respond quickly to a situation that's causing a lot of harm, primarily hijacking but there are some others.

But we don't want to put registries and registrars in the role of adjudicator of a dispute. So the thought was set up an emergency action channel so that where those lines of communication don't already exist, get them to exist because registries and registrars have a lot of tools available to resolve these disputes once they're communicated.

And so SSAC 77 sort of laid that out and called for an emergency action channel. And essentially we stole their stuff. So, you know, if you want the

chapter and verse on the whole thing, I'm sure we've got a link in the report for that but it's also on the SSAC site and it's basically like a three paragraph thing.

And a lot of the issues that we've been talking about on the working group were highlighted in that. Now there's a question. You know, doing it in such a way that it can't be gained. Clearly there's a gaining component with this. Get pretty drastic in our first try at it. Didn't work out.

I mean we took a run at it the last time through and drew a lot of criticism from the community. Went back to work and, you know, we narrowed the focus on we think we're - we got it right this time but we'd really like people - that's why we're asking all these questions. Take a look - take a hard look at what we've got. Help us get it right. That's (really all).

Michele Neylon: The thing I keep saying is if people like what we've got, please, you know, even submit a one line comment just saying yeah, we like this. Because unfortunately it's very easy for the vocal critic to drive the policy development because ultimately we have to go based on what we're hearing from the community. And if all we're hearing are the vocal critics, then, you know, they'll end up with a disproportional influence.

Not that there's anything wrong with criticism. But just at the - you know, if it's actually okay for you and you think, okay, that's - that makes sense, just, you know, let us know. Mikey.

Mikey O'Connor: Let me follow up with one other thing. The sort of underlying goal, and I don't know if we've said that, because I'm still kind of jetlagged. So if I'm repeating something, it's short and - the goal is where there's a situation where harm is being created, let's put it back the way it was quickly and then allow time for an orderly dispute resolution process to unfold. Figure out the real conclusion.

But in some cases the harm of the especially in the case of a hijacking is pretty dramatic. And right now again as Michele pointed out, if it's between the major registrars, those kinds of situations get resolved really quickly. The bad guys don't use the major registrars on the way out. They use the (unintelligible) and so we want to be able to do this. Pull it back and then in an orderly way using all the tools that are already there figure out what's really the right thing to do.

Michele Neylon: So are there any other questions or comments? There's loads of you sitting around in this room. There's space up at the table if you want to come up, you want to make some kind of comment, anything. No takers.

Well I can pick on people, right. Oh, there's somebody. Okay. And please introduce yourself for the scribes. Oh, well, transcript rather. Jordyn.

Jordyn Buchanan: Hi. I'm Jordyn Buchanan. And I'm asking questions on behalf of me. So it seems like if there's some ambiguity about this, you know, emergency channel process. And we think that there's a process that already works out pretty well amongst the major, you know, the big name registrars and registries.

Is it possible to model that, you know, to formalize that relationship today and say here's something that works. We'll right down what we do today and use that as the model for whatever the ongoing, you know, the thing that then you're going to require everyone get engaged in looks like. And that seems like a way to resolve the ambiguity of what that process looks like.

Mikey O'Connor: This is Mikey O'Connor. That's essentially what we tried to do the first time around. And so there was a very small group of us, me the innocent elderly geek and then a bunch of really smart registry and registrar folks. And basically what - as you start trying to document all the different ways that these things happen today given all these different circumstances, it eventually got - eventually collapses under its own weight.

And we get into this problem of trying to place into policy what are really operational issues for the companies involved. And the tradeoff is between the policy and the needs of the organizations that are subject to those policies to be able to manage and run their businesses.

And by making one size try and fit all, you wind up with a side that's incredibly complicated and very difficult to figure out. And that attempt was essentially what was in the first try. And it, you know, we got a lot of comment from the community, which we took back and we took another run at it and eventually said this is too hard.

It's not impossible to do this in a way that will work. And so we backed and said let's try something a bit simpler and a bit less defining but essentially drives the participants into the conversation but doesn't mandate what the conversation looks like once they're there. Does that make sense?

James Bladel: Thanks Michele. James Bladel, Go Daddy. I think Mikey captured it there at the very end but I just wanted to chime in on this because I think you're uncovering a larger question which is with respect to certain security concerns, how much of this do we want codified and built into a policy process and how much of this do we want to leave to the discretion of the registrars?

It also touches on a second issue I think that we encountered in this exercise, which is a scaling issue. What works for my company, (Paul)'s company and some of the other registrars that are on the group may not work for a small one or two person operation that - and then are we essentially closing them off by - from this process and from these conversations with policy requirements?

So I think that acknowledging that there are procedures out there to act quickly and to, you know, eliminate and reverse harm and leaving the policy so that it's open so that it can address those things I think is important.

Michele Neylon: Mikey.

Mikey O'Connor: One last point. (Paul) and I or James and I kind of remind each other things that - we've been talking about this for a year and a half, so. One of the other things that - what James reminded me of is that we have to be really careful that we don't write a cookbook for the bad guys, you know. And so there's security stuff here that we'd just a soon not publish to the world.

And by diving into the actual processes by which these issues are sometimes handled and then codifying them in policy, we do two things. One, we advertise what those are and the bad guys can then figure those out and circumvent them. And second, we freeze the registrars in place, make it hard for them to respond so that the bad guys figuring that out.

So there are a lot of sort of negative unintended consequences by writing this all out in great detail and putting it in policy in addition to the stuff that we mentioned before.

Jordyn Buchanan: So it just strikes me that - I mean so I'm sympathetic to all these concerns. I mean I - it seems like as a result of this it's unlikely that you're going to, you know, ever be able to take this first recommendation and, you know, cause it to have meaningful action within the ICANN context. It's going to remain vague and it's going to be hard to flesh out.

Michele Neylon: No. I think you're misunderstanding what we're actually talking about slightly. Because the thing is at the moment - if we enter a situation where an emergency contact is mandated and the emergency contact has to respond, then that is actually progress.

At the moment if there's an issue let's say involving a registrar - and I'm going to get slaughtered there for picking on certain regions. But let's just say a registrar in a country that is...

Mikey O'Connor: That is not to be named.

Michele Neylon: That is not to be named, okay, thank you. They could ignore all contacts from other registrars, from registries, from law enforcement, from whatever. And there is no way for ICANN or for anybody else to take any action because it's not covered within the policy.

If you make that they simply have to actually start responding and engaging, then there is a way to which you move forward. But what Mikey's been trying to - and James have been talking about is that you don't want it to be overly prescriptive because you can end up causing more - even more harm if you both write down what you can and can't do and also don't allow us the ability to change to deal with new threats. Go ahead Mikey.

Mikey O'Connor: What's not on the slide and might be that we should have put it there. One suggestion that we're considering is let's say that situation arises, a registrar contacts another registrar. They don't get an ACK from the other end. The consequence of that would be very simple. The registrar that's attempting to contact would document that manner to be determined.

It would say we didn't hear. That would be forwarded to the registry and registry would return the domain to its prior state. So there would actually be a very concrete urgent return mechanism in that one really narrow case.

What we don't want to do is solve all the other cases. But what this would do is take a huge bite out of the problem right now. It wouldn't solve all of them. But our informal over beer guess is it might solve 50 to 70% of the problems and that's a pretty big step in the right direction.

James Bladel: Yeah. Yeah. I was going to suggest exactly the same. Essentially what we need it seems like is not the - not relying on the general remedies in the ICANN contract but have specific remedies for the cases where people fail to comply with this part of the contract.

Michele Neylon: Go ahead (Adam).

(Adam):   So has there been a lot of discussion so far within the working group around, you know - well actually first of all, have you guys started calling it the EAC yet or am I the first one to think about the fact that this is another awesome...

Man: That's right. IRTP PDP BEAC is what I'm specifically inquiring about right now.

(Adam):   So regarding that EAC, has there been a lot of discussion within the working group around what that might look like or is it just largely the notion that you guys think - sorry, the work group thinks it's something that, you know, should come to fruition but what it looks like or address other than very specific situations is something that's still TBD?

Michele Neylon: Go ahead Mikey?

Mikey O'Connor: IRTP...

Michele Neylon: And James. Now out of - we do appreciate the comedy. Thank you.

((Crosstalk))

Michele Neylon: Mikey and then James.

Mikey O'Connor: The SSAC report is sort of where we're at at this point. What SSAC says is it would be a good idea to have one of those. It would be a good idea to

structure it in such a way that it can't be gained. But leave that up to the participants to figure out.

And I think that we will tend - I don't know. We haven't gotten this far in the conversation yet. We will tend to be not terribly prescriptive. We may lay out some general frameworks.

But this is one of the sort of I'll join Michele in the heartfelt plea for comments because, you know, if there are some extremely practical things that we're missing, it would be great to hear about those because our goal is to do this in a way that really works well for the parties that are under the gun. Because this is a process that is urgent.

It's hopes that this will all take place very quickly. And its hopes that the conversations will actually - except we don't - we're hopeful that there never will be a need to invoke the repercussions. And so practical suggestions on how to do this are great, you know. (Unintelligible).

Michele Neylon: James go ahead.

James Bladel: Yeah. Thanks. James speaking. And, you know, I think initially we look at the radar system. Is there something in there? I mean I just looked up your - contact you emergency action contact or what's standing in for that today. I think that, you know, really what we're saying is possibly designating one of the radar contacts to have a particular use and then designating a requirement that it be used.

Now for those looking at me like what does that mean, ICANN requires contact information from registries and registrars to be submitted and provides us all access to it as a directory. It is not a necessarily a public system. But it is a way for registrars for example with - for example, and transfers UDRPs for ICANN to reach us and for us to reach each other.

And I think that that's probably the channel that this will land in. It seems to make the most sense to me. But I'm open to other suggestions as well.

Michele Neylon: I'm just coming back again to the question about the comments. I mean we received comments from one or two of the stakeholder groups in the past but several other stakeholder groups didn't provide us with any feedback.

Now while we understand that many of them may be under varied pressures of everything else, even a simple, you know, we don't have anything strong to say one way or the other would have been helpful.

Marika Konings: And this is Marika. Talking about the requirements of the EAC, I think the working group will need to take into account as well if it is a tool that's going to be used to enforce on, you know, registrars that have not reacted, there need to be certain criteria requirements in there that can be, you know, objectively audited and used as a tool.

So one might want to consider indeed does there need to be a certain response time for example and, you know, defining what a response is so that if there is a breach, you know, our compliance team will actually have a way of going after those registrars that don't comply with it.

I think coming back to that, I think it would be really useful as indeed is the tool that probably will maybe be used by registrars- the registrar stakeholder group and think about, you know, those questions that are in there and provide some input to the working group that can also be considered by others that have an interested of course in making this tool work because I think it would be really valuable that indeed we come up with a mechanism that really works. It can be enforced and that really, you know, facilitate and enhance the current situation.

Michele Neylon: Mikey.

Mikey O'Connor: It dawned on me that it might be useful to take on the example that was posted in the comments sort of hit on. Let's imagine that there's a domain transaction that's gone bad and the seller has seller's remorse.

And the issue that was raised in the comments, very valid issue, was well this could be gained to crawl back a domain that in fact had been legitimately transferred. And that would be an inappropriate use. Okay. That's the scenario and that's the concern.

So let's describe what would happen under this proposal. Let's say that -- I picked on James -- Go Daddy is the losing registrar. And I'll pick on (Paul). Network Solutions is the gaining registrar. And the seller with seller's remorse attempts to crawl the name back. It wouldn't work.

The reason it wouldn't work is because James and (Paul)'s or relations would be in (touch) with each other. And because they would respond to the emergency action request, end of story. End of this policy. Nothing happened because they're in communication period.

The only time that this could be used is if the losing registrar, staying with James, the customer who has remorse - the seller who has remorse says, "No wait." Tries to claw the name back. And the gaining registrar doesn't respond to the request. So all the gaining registrar needs to do to circumvent this gain is just - is to respond. You don't have to do anything else except respond, except begin the conversation.

So that's our hope is that this will circumvent that use case for it's a very valid criticism and a very valid problem. And that would be it.

Michele Neylon: (Unintelligible)

Man: So under the status of the current model whatever it is, what is that window of time where a name could be called back? Do we know?

Michele Neylon: Under which model, sorry.

Man: Sorry.

Mikey O'Connor: Sorry, the proposed one?

Man: Yeah. The one that Mikey was just elaborating.

Mikey O'Connor: It's undetermined at this time. We're looking for feedback on that. We're
                   thinking urgent. So hours - two digits worth of hours, not months.

Man: Yeah. Because I've seen six months before.

Mikey O'Connor: Yeah. It's not - that's all...

((Crosstalk))

Mikey O'Connor: Hey, just us. That's why we're here. No, no. We're a little jumpy because we -
                   we've got a lot of very vigorous feedback on the last try.

Man: Right. Okay. All right. Thanks.

Michele Neylon: (Unintelligible).

Man: But to your point where you have two registrars actually communicating with
                   each other and pardon my operational ignorance on this but how much of that
                   would be an automated process versus manual? I mean wouldn't that be at
                   the discretion of each registrar participating?

Mikey O'Connor: Once the conversation has started, once Registrar A has said hello Registrar
                   B and Registrar B says hello back, that's the end of this thing. From the

initiation of the conversation on, the mechanism as to how that conversation takes place, telephone, email...

Man: Okay.

Mikey O'Connor: ...is totally outside of the scope of...

Man: Right. Because what - I guess if that becomes a highly automated system, then you could be exposed to other unintended callbacks.

Mikey O'Connor: Right because...

Michele Neylon: Well the thing makes sense. I mean if it becomes highly automated, then maybe that's wrong and that shouldn't be allowed. So - but this is part of the things that we haven't really...

Man: Right. But this is the reason I'm bringing it up is to avoid that unintended consequence.

Mikey O'Connor: Well but - let's presume that it is automated and both ends are in the game. So request is (automatic) and the acknowledgement is (automatic). Well soon as the acknowledgement is received, this policy ends. The only case where this proposal - proposed policy would launch is if the echo didn't come back.

And so if it was automated, that would in fact probably erase this from ever being invokable.

Michele Neylon: Okay. Simonetta and then the gentleman down there whose name I didn't catch. Sorry.

Simonetta Batteiger: So for expand on Mikey's example of when that response comes back and you actually have a situation where the two parties disagree, one thing that we discussed in the working group is that this disagreement is not

something the want the registrars to have the responsibility to resolve. It would then go into another (unintelligible) process and existing policies would cover that piece of it.

Man: So did you guys or maybe the issues report before it even came to you, is there any data to substantiate how common each of two classes of problems are? One is the sort of, you know, hijacking essentially, the domain name being moved away from an existing registrant invalidly.

And similarly by source of the - what's the incidents of people attempting to claw back names invalided? Because it seems like you could use to inform what the bias of this policy should be, right.

Like if it turns out that it's relatively common that, you know, names get moved away inappropriately, you know, get hijacked on the way out, you know, on like a 100 to 1 ratio compared to how many people try to claw back names, then it's probably in the best interest to have the policy, you know, be bias towards being able to pull it back even if a little bit of the gain is going to happen in that direction because you decrease the overall cost of the system.

Michele Neylon: James.

James Bladel: So I'm hearing two types of categories of data. And we did put out some different surveys and of course we did put out some requests for comment. But in the first case the, you know, the first bit of data relative to the incidents of hijacking or attempted hijacking is something that registrars as commercial entities don't feel that they want to be discussing in public forums like ICANN.

That is a security an internal, you know, type of situation. We can tell you that it's something that we deal with on a daily basis. It's something that we're always mindful of. Could be attempted. And when it happens of course it's a PR nightmare for everyone involved including ICANN.

As far as the second one, maybe we can, you know, defer to assume that out a little bit. But I don't know if there's any statistics in the domain name aftermarket industry. But it's also something that we're kind of proceeding on anecdotal evidence. We don't really necessarily have quantifiable statistics on either of those.

Michele Neylon: Just speaking to the statistics a question. I mean we did get hard statistics from ICANN's compliance and a number of complaints they had received and the types of complaints, what they were related to. But that didn't - doesn't actually cover the hijacking type scenario.

I think part of that might also be because it's not something there's a lot of people are gong to be kind of overly happy about sharing the information. And Simonetta Batteiger and then (Vlad) after Simonetta.

(Vlad): My name is...

Michele Neylon: Sorry. Simonetta. You're after her.

Simonetta Batteiger: So in terms of numbers, there's - we are not able to say okay, Case A of 100, Case B is 5 or Case A is 200, Case B is 300 or whatever it is. What we do know is the issue was important enough to raise a question in the first place. So the issue is there.

We also know that a number of registrars are not happy to share exactly what's going on with. And their operations we know that this is something a lot of people deal with. We don't have good visibility into how many of which type situations are there.

But we did do in addition to the initial question was we reached out to the aftermarket community and we asked people who on large portfolios we asked domain brokers, we asked registrars that we partner with what is your

sense of the problem and does this initial approach that we discussed while we were in Brussels - does this address the problem appropriately?

And the feedback we got was no, this is not sufficient and not good approach to the problem which is why we took it back into the working group and we came up with this idea to establish this emergency action channel. And the ideas got raised throughout the table today. So a lot of discussion and a lot of trying to get to the numbers but we don't have them and we feel that what we currently propose is working regardless of what that ratio is.

Mikey O'Connor: Just to add one other thing on. In terms of the claw back, one of the reasons it's been really hard to come up with numbers is because we haven't created the situation in which the claw back could take place yet. Now this would be a future.

Man: So I think that's true with regards to the proposed mechanism but there's nothing stopping someone to have seller's remorse today and assert that you...

Mikey O'Connor: Yeah. Right.

Man: ...didn't actually authorize the transfer right.

Mikey O'Connor: But the impact of our proposed tool is really hard to predict.

Man: But so I guess I was just asking like if in the real - like so I understand there's this theoretical concern about gaining. In the real world, does this ever actually happen? And, you know, if not, it seems like biasing a policy like, you know, like (unintelligible).

But seems like a relatively good remedy in - because there's some theoretical concerns, it's, you know, like a little bit - especially since we know that there's ongoing harm from hijack. And like we establish yes, in fact hijacking does

occur. Not having a good mechanism to deal with that because there might be some other problems...

((Crosstalk))

Michele Neylon: (Vlad).

(Vlad):   Now (Vlad) has (unintelligible). Hi. I'm the Director of Policy for (unintelligible) registry. My question is about the basics. So you're presenting the final report of the working group. It contains number of recommendations, right.

My question is is it - is this final report supposed to be some kind of a best practices guide for parties involved or I see that you're requesting several issues reports. So I suppose there should be some next steps in your work. So basically my question is how close you are to the completion of the work and what will be the next steps?

Marika Konings: This is Marika. So I - if you look at the different recommendations, indeed they're all of different kind of categories. Some of them are recommendations to change the policy, the existing IRT policy. So if those would get adopted, they go to the Council and go to the Board. The ones adopted go into implementation and need to be effective.

Other recommends need to put a issues report. Those would be separate initiatives. It's not this working group. So members, you know, might be the same but that will be a new working group, a new initiative if the Council decides to move forward with those. So those are new PDPs basically on the Whois and the other items.

On the emergency action channel, I don't - I think we're not clear yet whether that's going to be a best practice recommendation or one of those might be - I think we're looking at new requirements under the IRTP. And again, I think the question is going to be whether working group manages to work on all the

details or whether further work is needed or kind of test phase might be explored on seeing how it works.

So I think it's rather something the working group should asses as well once they go forward with the emergency action channel and define the different criteria. But there's also built in probably a kind of review period that you check after a certain amount of time is this working, is it working as intended. Are there certain issues that we haven't covered or haven't addressed? And assess whether indeed it has made an improvement in the situation.

I think it's important with any policy that is being proposed that there's kind of a evaluation at the certain point in time, make sure that it works as it was intended and whether there are no unintended consequences.

Michele Neylon: For example (Vlad), I mean one of - a couple of the issues, you know, it might be okay for the registrars who are participating to suggest a change. But other registrars may not like it or some of the registry operations might get upset. So the thinking is to make sure that whatever comes out the far end whatever that end is is something that's actually workable.

Does anybody else have any comments, questions? Going once. Marika's going - wants to have the last word. Over to you.

Marika Konings: Just want to make a last comment. Just encourage everyone, also the ones that made comment to your questions here to submit those also to the public comment forum that will be open until the 31st of March. So we have it on the record.

The way the working group has worked in previous public comment periods is that we list all the comments and try to define for each of the comments, you know, what the working group thinks of it and how it has impacted the final report. So please send in your comments and suggestions and the working group will address them.

Michele Neylon: Go ahead Evan.

Evan Liebovitch: So sorry, entirely procedural. Is this the conclusion of that PDP then and then on the C at some point?

Marika Konings: Yes. Following review of the public comment subject for the working group to finalize a report and submit that to the GNSO Council for adoption. And as said, some recommendations will move up to the Board for implementation. Some others, you know, might result in additional policy work - a new policy development processes.

And then indeed - and then the next step would be to move on to C or C, D and E together.

Michele Neylon: Go ahead Chuck.

Chuck Gomes: Sure. I have just one clarification to what Marika said. I'm really not trying to have the last word.

Michele Neylon: Then you should for the record - this is Chuck Gomes from VeriSign.

Chuck Gomes: Thank you. I'm sorry. I should know that to do that shouldn't I? There is the possibility that once the Council gets the recommendations that they could come back to the working group. I'm not suggesting that that would happen. But I just wanted to clarify that. So it might not be the end quite yet. Hopefully it is because I think you've done a really good job. But just keep that in mind.

Michele Neylon: Thanks Chuck. Mikey wanted to try and get a last word in. Okay then. So anybody else want to throw their oar in, make a comment? Nothing. Okay then. Oh, sorry, ah ha, hold on. We have one. We have one. Go ahead.

Chris Chaplow: Chris Chaplow. Just to get the last word and thank Michele for leading us through the last two years and hopefully on to the next (unintelligible).

Mikey O'Connor: So are we nominating him for Chair next step?

Michele Neylon: Thank you. Well if we're going to thank people, we should really thank Marika. I'm working on the basis that if I can keep thanking Marika enough n public she will turn a very interesting shade of red. Yeah, you are - you're becoming immune aren't you? Okay.

I mean ultimately the working group's output is based on the work of the - of all the members. So all I do is just try to help you all from squabbling too much.

Yes, exactly. The (cat herder). Okay then. Does anybody have any other final comments? If not, I will draw this meeting to a close and thank all of you for coming. Thanks to those of you who provided fresh input today. And please remember the public comment period is open.

And even if you feel - don't feel overly strongly about writing an essay, simple yeah that's really good or oh my God that's terrible type comment would be helpful because if we don't hear from you, we cannot know what you think.

And thanks to everybody for attending. You can stop the recording I think.

Coordinator: Thank you.

                                    END