Transcription ICANN Beijing Meeting

Locking of a Domain Name meeting

Saturday 6 April 2013 at 10:30 local time

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Man: ...counselor back at the table for the session beginning at 10:30.

Michele Neylon: (Unintelligible).

Man: Your (unintelligible).

Michele Neylon: (Unintelligible).

Man: (Unintelligible) bring people along with him.

Michele Neylon: (Unintelligible).

Man: Yes.

Michele Neylon: If anything (unintelligible).

Man: Yes.

Well our next session is about to begin. Can I have everyone back at the table please?

Exactly, thank you.

Man: For the transcript Saturday, April 6, 10:45 am locking of the domain name GNSO function (unintelligible).

Michele Neylon: (Unintelligible). We'll have an interesting conversation (unintelligible) chat here about...

((Crosstalk))

Man: (Unintelligible).

Michele Neylon: You get me some decent whiskey I will sing it.

Man: All right. (Unintelligible).

Michele Neylon: Be careful because I'll hold you to it.

Man: Right (unintelligible).

Michele Neylon: Oh sorry.

Man: So everyone the session that's about to begin. It's the locking of a domain name subject to UDRP proceedings.

Our presenter this morning is Michele Neylon who is chair of the working - of the group.

Michele Neylon: Yes thank you I am. Good morning everybody. Ladies and gentlemen girls and boys, we're talking about UDRP. I know it's a terribly exciting and sexy

topic that your all really excited about. I know you are. The IPC is delighted with this. It's such a fascinating topic.

And I flew halfway around the world to talk to an empty room. I know we'll get such a kick out of this.

I can start it okay.

Locking of a domain name subject to UDRP proceedings, I mean this is such a wonderful title.

We decided to shorten that just to be UDRP lock because the rest of it's too much of a mouthful for those of us who's first language is English never mind the rest of you.

As you may recall there was discussion a couple of years back about potential changes to the UDRP. And it was ultimately decided that this wouldn't happen. However we were able to get agreement that there should be a review around this specific area of the UDRP.

So GNSO council initiated the PDP limiting the subject of locking in a domain name. How do I get this - oh there we go, locking of a domain name subject to the UDRP proceedings.

At the moment there is no requirement to lock names in period between the filing of the complaint and the commencement of proceedings.

There's also a lot of areas where the definitions are severely lacking. the concept of status quo for example is kind of left open which causes headaches for everybody.

And within the Working Group we conducted a survey among the registrars and the UDRP providers to get a better understanding of what they were actually doing.

We've all - and they're also trying to get some input from various SOACs. And we have now published our initial report which I know you all been looking forward to and you've all read. Just nod, nod, yes, yes you've all read it. And it was absolutely fascinating wasn't it?

And Marika put nice little pictures in there. It was great.

Anyway the - most of our recommendations that you should find them terribly exciting or controversial. It's more about codifying existing practices and we're not expecting to make any major changes to anything. It's more to do with bringing clarity.

So, you know, basically minor changes.

So what's in our initial report? There's lots and lots of words and there aren't many pictures. But beyond that we had 11 preliminary recommendations to clarify and standardize the process for locking of the domain name subject to UDRP proceedings. And if I have to say that sentence more than once today my poor head would explode.

So first off we're going to do definition of locking. And next requiring the registrar to apply the lock previously defined within two business days following the request for verification.

Also recommending removing the obligation for the complainant to notify the respondent at the time of filing, providing step-by-step clarification of requirements of parties and there's also recommendation to develop educational and informational materials to assist in informing direct to the parties of new requirements and recommended best practices.

Next steps on further information, so the initial report as I said fascinating read, it's wonderful. It could keep you, you know, (unintelligible) the evenings.

And we're having a session on Thursday from 9:00 AM to 10:30 local time here in Beijing. And we'd love to see you all there.

And if we get lots of nice feedback from you we will review it and we will use this by further deliberations. Thanks. Any questions? Good morning Mr. Neuman.

Jeff Neuman: I'd like to ask some questions.

Michele Neylon: I know you're going to ask me some questions. I'll try to answer them or I'll punt them to somebody who can answer them.

Jeff Neuman: Thank you. And I actually did read it so it's good work.

One of the questions I had is would the same principles -- and I think the answer is yes -- but would the same principles be applied to names that are locked under the new URS by registries? And if not why, not? You're shaking your head know so...

Michele Neylon: So what - could you explain sorry.

Jeff Neuman: So under the UR...

Michele Neylon: Explain for those of us who A aren't lawyers B- and B, you know, aren't lawyers.

Jeff Neuman: Or just tired?

Michele Neylon: We're not tired.

((Crosstalk))

Jeff Neuman: So under the URS registries URS for new gTLDs...

Michele Neylon: Yes, thank you.

Jeff Neuman: ...from routes of suspension registries are required to lock domain names
                   down that are subject to URS proceedings. (Unintelligible) outset. It kind of
                   skips the registrar (name).

Michele Neylon: Okay.

Jeff Neuman: So the definition of lock all of the other things that you guys are working on
                   would that of any applicability?

Michele Neylon: It might be - and I'll let Marika go a bit further. But from my perspective yes
                   and no, yes in that you might want to look at some of the wording we're using
                   but no as of the two aren't directly linked. Marika might be able to elaborate
                   further.

Marika Konings: Yes this is Marika. As far as I understand I think the URS rules themselves
                   already have some details on how the specific definition in their what locking
                   means on the URS.

                   And as you said I think the process there is different because it's the registry
                   that directly locks the domain name of the registrar which is involved in the
                   UDRP.

                   But having said that and maybe looking as well at (Dan), you know, if there
                   would be, you know, a support from the GNSO council to apply a similar
                   process or look at this as a guidance for the URS procedure, I'm not really - I
                   don't know why it wouldn't be able to apply parts of that or what would be
                   applicable to that process as well.

And I see Kristine Dorrain from (Math) just post to the chat as well that she said that I'm right that URS already codifies a practice that is already in there but of course in longer term if you would see that this should be the standing practice or standing principles for any kind of blocking against the, I don't know, that probably would require a new PDP or I'm not maybe sure but throwing all the different questions at (Dan) but we may need to come back on that one.

Man: Thanks Marika. So I would just have to - I think it's a really good question and we should just take our notes and go back and look at the URS. It's not - all the details aren't fresh in my head right now. And I see but it's a good question.

Jeff Neuman: Yes I mean I don't want to have us do the work twice. If you guys are doing the work anyway and you're there and you come up with some principles I mean is that something that the group looked at anyway? But I would guess no?

Michele Neylon: It would be out of scope for us.

Jeff Neuman: Well I mean looked at as far as getting - helping you give guidance?

Michele Neylon: No. But the thing is we - one of the things as chair of the Working Group one of the things we have had to deal with is making sure that the scope of the working group didn't venture outside the boundaries they've had that were defined.

Because one of the things as you know and was this entire UDRP review was quite controversial as a topic and, you know, the (your) views about various different things.

So we were given quite a narrow remit. We didn't want to go off commando and start looking at things that weren't within our (agreement).

I mean we're not stupid Jeff but the point is, you know we're trying to get it - sort this one narrow thing out. We didn't want to get into, you know, things that weren't directly related too.

Jeff Neuman: No. I understand. I'm just trying to think of how we as the GNSO could increase the scope just to - because I don't want to have to do this all over again.

If there's some general principles that can be gleaned from that it will just be awful to just - it would show our inefficiency at policy if we can't just somehow bring it in.

Joy Liddicoat: (Joy) hear from (Unintelligible) group. Thanks Michele.

I think clearly no good deed goes unpunished and to come up with the excellent set of recommendations in your desire to take them through that so well done.

Picking up the point and not to get to distracted from the report you were making on your specific issues perhaps the point that (just) raised could feed back into some of our policy and implementation discussions that we just hit.

You know, we received good implementation and we would see where it might be relevant for you, perhaps that's something we can offer back to other processes.

But looking at this real quick I'm just conscious that, you know, (unintelligible) present his report. And I wouldn't want to be too distracted by how we might need it as we're (unintelligible). Thanks.

Michele Neylon: Just responding too I mean ultimately for me speaking personally - I mean I
                    can't speak for the entire working group but I mean if the GNSO were to
                    come back to us and say hey, you know, we want you to do X or whatever I
                    assume there's some way for doing - for us to do that. I honestly don't know.
                    I'd have to look to Marika.

                    I don't know how that would work. Would you like to, Marika and then I've got
                    to fill in the queue?

Marika Konings: Yes this is Marika. And it may make sense for us to actually have a look and
                    see what's currently in the URS rules to see any - if it's already very well-
                    defined there.

                    Because as we've said I think the, you know, the process for the URS is
                    different than the UDRP. And I think as well as it's refocusing at least the
                    UDRP really trying to clarify or codify existing practices and maybe knowing
                    as well that, you know Kristine from (Math) is probably closely involved in the
                    working group discussions on this process but also to first provide it for URS
                    I'm hoping - I'm sure that she has taken back some of the discussions we've
                    had in clarifying probably the process there.

                    So it may be worth, you know, Jeff for you having a look at the URS and
                    really trying to see you there do you believe there's anything missing or
                    unclear that is being clarified within our initial report and based on that indeed
                    it may be worth considering should there be a recommendation to - for the
                    working group to also look at whether certain parts of this should apply to the
                    URS and if so should then indeed the charter be expanded or, you know,
                    should there be another wave or mechanism to implement or recommend
                    that?

Man: Well I think the thing here as well as that - you need to give us that guidance.
                    We're not going to go off and start kind of studying the URSes.

I mean ultimately people complain about the length of PDPs. I mean are - this PDP's been going on for, you know, a reasonable length of time. The sooner we're able to finish it the happier some of us will be.

If you want to expand our scope that's fine but I'm not going to try to direct the group to start looking at the URS until we get some directive from the GNSO council in that. Please don't ask me to do it just kind of random I'm just going to say no.

Michele Neylon: I've got Phil and (Wendy) waiting patiently but Marika it sounds like you want to come back and do it briefly with just one more thing and...

Marika Konings: Yes this is Marika. Just to know that Kristine has actually posted the language from URS in the chat which says the URS says that within 24 hours of receipt of the notice of complaint from the URS provider the registry operator shall allot the domain meaning the registry shall restrict all changes to the registration data including transfer and deletion of the domain names.

But the name will continue to resolve. The registry operator will notify the URS provider immediately upon locking the domain notice of lock.

Registrar knows as well that of course the reason probably why we're doing this work on the UDRP is that because in practice it became clear that there were a lot of - there was a lot of confusion and different approaches by registrars and how to enact a lot.

As the URS is not active yet it may make more sense if you could see if the current rules were or are clear enough or at the point where if we do already have this review of the UDRP as well as all the other RPMs and exactly the timeframe of I think one year after delegation of the first gTLD -- I don't remember the exact time frame -- that is already set in - or at least set in motion that that will happen at that stage.

Maybe that's as well the point then were you could look at this part and see how it works in practice and whether indeed the rules are specific enough and clear enough for complaints, respondents as well as the registry operators.

Michele Neylon: Thanks Marika. Phil's been very patient. (Unintelligible).

Philip Corwin: Yes thank you. Philip Corwin. I appreciate the courtesy of being able to ask a question. I'm speaking on behalf of the Internet Commerce Association.

I'm planning to write a comment letter on this. And I don't think I have any problem with the general notion of having uniform rules for lock.

And certainly I'm not in favor of cyber flight by bad actors upon learning that a complaint's been filed from the complainant. My one concern I'd like to not the group consider it. But I want to give a concrete example. I was - I (unintelligible) my lobbying work. I am associated with an IP law firm Washington, recently contacted by a party, an IT services firm that as a courtesy to a client and transferred some domains and they delisted them so it was an administrative contact and forgotten to change that and got hit with a UDRP because they didn't know the client was involved with the lawsuit and somebody else and a UDRP became part of the lawsuit.

They were very traumatized. And they got the notice from the complainant on the day - from their law firm. As a practical matter that most complainants when they now notify the registrant it gives the registrant and the complainant is the one who decides to file. They picked the form they're going to file in, they decide what time of year they're going to make the filing.

And the complainant has officially has 20 days upon being notified by the arbitration forum. There was more than a week gap between the time they got notified by the complainant's law firm in time they got the official notice from the arbitration (from).

They used that week to understand what the UDRP was to understand what options were available and what were the filing fees and all that.

So effectively by not having that notice even after the lock is put on it really - it somewhat detracts from the registrant's ability to file an effective response.

Michele Neylon: I think it - Phil I'll just stop you right there and sorry for interrupting but I think you've misunderstood what were actually talking about in that.

We're not - what the - what we're actually talking about is to do with the timing of the notification, not the notification itself.

Because the concern at the moment is that when if the registrant isn't notified of a UDRP at this - and at the same time as the registrar is notified of the UDRP the locking down of the domain may not happen quickly enough that the domain could bounce to another registrar.

Now that - what we're effectively looking at doing here is changing the sequence of events likely so that the domain is locked against changes and then is notified so you still have time to do all the...

((Crosstalk))

Philip Corwin: Well I understand that and correct me if I'm wrong, I just looked at the report again. It said the complainant is no longer required to notify the registrant.

And then it said that the registrar who has control who walks the name may but is not required to notify the registrant. So there is no requirement. The only one that's required to notify them is the arbitration provider. And that comes later. Am I wrong on that or is it...

Michele Neylon: Well I...

Philip Corwin: I think it's permissive but not mandatory.

Michele Neylon: I think Marika would be able to clarify the exact wording. But if the wording is giving you that impression that I would say that okay maybe we need to look at how it's worded.

Philip Corwin: Okay.

Michele Neylon: I mean the spirit of it, the concept, the idea behind it was okay you - okay you - I'm the offended party. I discover that somebody has gone off and registered Blacknight.something and is using it in some way to infringe on my company's rights.

I go and I file UDRP with whoever. And what I don't want to have happen is for the domain to start bouncing across multiple registrars...

Philip Corwin: Right. And that's definitely not a...

((Crosstalk))

Philip Corwin: a result that I would...

Michele Neylon: No, of course not. But that's what we're trying to resolve. The - I - Marika could clarify that but, you know, the - what you're talking about if that's an unintended negative consequence then okay let's - then please - if that's the way we put the wording in please provide us input but understand what we're...

Philip Corwin: Thank you.

Michele Neylon: ...what we're trying to achieve.

Philip Corwin: I just wanted to raise the concern...

((Crosstalk))

Michele Neylon: The report clarifies that I think.

Philip Corwin: Yes.

Michele Neylon: Or tries to.

Marika Konings: Yes this is Marika. I think Phil's understanding is correct because what we're basically trying to change is that there is not a notification or that there's no required notification by the complainants to the respondent at the time of filing. We need to avoid type of fight which in practice may mean that indeed there is a lesser time.

I mean there's still the minimum time today's which is, you know, under the UDRP rules of the policy require. So that doesn't change.

But I think in practice it means - it could mean that there's, you know, a gap between when the complainant files the complaint at which time and before would have notified the respondent and now it may not do so.

So it only official notification would come at a time that the UDRP provider after the lock has been applied by the registrar notifies the respondent.

So again the working group did deliberate that in quite a lot of details. Because indeed there is this balance between, you know, giving upfront notification or sufficient time for a respondent to really digest or understand what's going on but at the same time counter the risk of cyber flight.

And again it doesn't come prevent a complainant from notifying respondent at the same time but it's no - but the working group is recommending that it's no longer a requirement to do so.

Man: Yes. I don't want to take much time. I would just say that once the domain is actually locked at that point the registrant would be notified it's been locked so they have - they're not surprised when they - and they don't lose a week to ten days that practically exists now for the vast majority of registrants who have no plans for cyber flight and use that time to figure out what a UDRP is and to fined competent counsel to assist them if they're planning to file a response. Thank you.

Michele Neylon: Okay thanks (Phil) I think the concern is noted and understood.

I've got (Wendy) who's been patient. (Wendy) look - are you still in the queue yet? And then - yes.

Wendy Seltzer: Thanks (Jonathan) and Michele. I had another question about the sequencing here. If I'm reading this right the locking and potentially reveal of the registrant is behind a privacy and proxy or proxy service takes place before verification of the complaint that it meets any of the technical requirements and before receipt of payment from the complainant which sounds - am I reading that correctly?

I will say possibly. Because I think I know where you're going with this and I understand. (Now) it's kind of like oh God no here she comes. I should've seen that coming. Marika could probably clarify that.

I mean one of the things that we did look at in length and we had multiple conversations -- really long ones and there were lots of lawyers involved and my poor little had felt like it was going to explode a lot of the time -- was around this thing about the payment thing and the likelihood of nonpayment and all that sort.

I do recall that in quite - I actually (hoped) kind of blanked that out in my life but unfortunately I can't. Marika could probably clarify a bit of this.

Marika Konings: Yes this is Marika. So if I understand correctly I think when a UDRP provider receives the complaint they do do a quick check just to make sure it's not a bogus complaint.

I mean the official verification to (Amicheck) is on data but they do do a quick check to make sure it's not, you know, Mickey Mouse asking for a UDRP complaint.

And then what the working group has debated is that because currently there is no - there are no accredited proxy or privacy services so we can't really establish a new rules because we don't know who the parties - which parties it will be applied to.

So what the working group has said is basically if there is any review or on the line registrant data that needs - or that needs to be done it needs to happen before the final lock is applied.

And it's really up to the agreement that the registrant or the proxy customer has with its services in its circumstances.

So it's up to the registrar to make a determination if there is disagreement it's may be as an in-house service if it's provided by the registrar they will probably have in their agreement a notice saying if a UDRP complaint is filed against you we will review on the line customer data.

So basically at this stage it - what the rules say that if the registrar's aware of a privacy proxy service being in play and noting that at this stage there's no official procedure because we don't have accreditation but we hope this may be addressed as part of the accreditation program for proxy and privacy and

services the registrar needs to apply an initial lock to make sure it doesn't get transferred out but may make any updates before it applies to the final lock within the two business days to reveal the online customer data of the proxy service.

However what is prescribed in the UDRP rules if there is no - if no changes are made but at a later stage it becomes clear that they are dealing with the proxy, a privacy service that wants to, you know, put on the line customer forward that that needs to be communicated directly with the UDRP provider and the panel, that no rules that are prescribed here and in this process.

Wendy Seltzer: Thanks. I think that's a problem that will need to be addressed further because we've made very clear in that domain name registration side of things that you don't get service until you've paid.

And I think the same should be true in the UDRP case. You don't get service of discovery of the person behind a privacy or proxy registration until you've paid because that can at least serve to rate limit the abuse of this process.

We know that processes such as this can be used to reveal an anonymous speaker without intending to pursue it all the way to conclusion and this - (look) forward to discusses various determinations short of conclusion.

So I think at the very least we should require payment before they get the services.

Michele Neylon: Michele did you want to respond...

((Crosstalk))

Michele Neylon: Kristine I just want to check, Kristine was your hand up there? Yes. So Michele's going to respond and then Kristine's is going to (unintelligible).

Michele Neylon: I don't really - well I've going to do two things. Well I'll respond very, very briefly. I would ask Wendy if you want to submit comments on the specific aspects of this and raise of concerns that's great.

But rather than telling just - if you can provide us guidance as to what you would like to see and how you would like to see this done it would be helpful because really the thing from our perspective that these - a lot of the registrars were involved in this are just looking for a clearer set of guidelines to follow.

I mean ultimately for me as a registrar the UDRP's just a pain in the neck. I mean it's a necessary evil. I'm obliged to do it. But it's - all it does is cost me time and money.

All I want as a registrar is just to have it done in such a fashion that I can just get on what I actually do and I'm not getting involved as an arbiter of anything. I know exactly what I meant to do when I meant to do it.

So having nice clear this is what you do, this is when you do it, these are the steps, that would be helpful.

And Marika can probably provide a couple of other clearer things and then there's Kristine over there.

Man: Hi Kristine. Good morning.

Marika Konings: Yes this is Marika. I would definitely like to read a comment from Kristine Dorrain on the when these comments (Wendy)'s comment on payments because basically she says yes to (Wendy). Payment is received 99% of the time simultaneously with the complaint.

Providers cannot do the full technical deficiency check until the information comes back from registrants.

Wendy Seltzer: I'll just add very briefly but it's of course the bad actors that I'm most concerned about. And even if they're only 1% that's a concern.

Woman: Yes I know I'd find a way to get back to this table eventually. Two questions and I guess first an observation with regard to (Wendy)'s point.

You know I think realistically as a practical matter and Kristine Dorrains's comment and I think bears this out, you know, the likelihood that a potential UDRP complainant is going to put in the time and resources necessary to put together and file a UDRP complaint with no intention of pursuing it is generally pretty low.

Having said that, you know, I certainly understand the concern and I think that there's got to be a way to kind of make it, you know, to put some mechanism in place that would avoid a concern that (Wendy) seems to have.

But I guess my real question is am trying to get a sense of given reference to the registrar survey and granted it wasn't the broadest sample of response, but given that, you know, the vast - the kind of true majority, a simple majority of respondents said yes we lock I think it was within 12 hours and then remaining respondents said within two business days, I was trying to get a sense as to where the recommendation came from to go with that longer of two business days and was wondering if perhaps that was some kind of balancing with the elimination of the requirements that the complainant notified the respondent, just trying to get some background as to where that timeframe came from.

Michele Neylon: I'll be perfectly honest with you, I can't recall the exact rationale behind that. I think it was more of a kind of a compromise. I'm trying - and Marika might have a better memory of these where that came from, the two business - I think it was a practical thing though Kristine in that some registrars are very, very big organizations or have dedicated staff who deal with all sorts of

wonderful things and then there are those of us who don't have dedicated staff.

I mean you're looking at the legal team for Black Night. I'm also the head of marketing. I'm also the managing director. I also drive all our policy. You know, anything with kind of legal (rounds) on my desk ultimately.

I do have a beauty team (unintelligible) me thankfully so I also I'm in charge of them.

So, you know, if anything involving UDRP, you know, Michele does sleep. And it's the same for a lot of registrars. But we don't have a dedicated team.

So just giving us enough time to get it done working on the basis that we have a fixed time, we have a fixed set of steps to do.

Now ultimately your concern probably is as I replied it's not happening fast enough. But the reality is you know those in reality if you send something through to Go Daddy or to some of the other very large registrars they're probably going to act very, very quickly anyway. So you don't have this concern. But Marika can probably elaborate on this much more eloquently that I can.

All right then I'm conscious we should answer this properly and then wrap up even though we did start a little later. We've run over. Okay sorry. (unintelligible) so yes okay.

Marika Konings: Yes this is Marika. I do recall I think initially we started out with one business day but I think at some point we changed it to two business days.

But I think particularly in recognition of the fact by removing the requirement to notify the respondent at the time of filing by the complainant a large part of the cyber flight risk will be taken away by that and then indeed in recognition

of what Michaela said a line for some more time for some of the smaller registrars maybe comply with it along for two business days.

But again that's a maximum. It doesn't mean that registrars cannot lock earlier or can lock when they are notified by the complainant. It's just really a kind of, you know, at the latest...

Man: Yes.

Marika Konings: You need to lock two days after receiving request for clarification. But it doesn't prevent the registrar from locking earlier or, you know, at the time if they receive a complaint from their complaint didn't.

Wendy Seltzer: Thank you for that and I would just have a suggestion that with regard to the final report on this that to the extent that the two business days remains the final recommendation and the fact that the complainant is no longer required to notified the respondent.

I think it would be helpful to just drop a footnote to indicate kind of what the compromise was so that in the future going forward to the extent that there was any further re-assignment folks had better had a better context as to where that came from and what potential future trade-offs could be.

Michele Neylon: And so the other thing as well Kristine to make it clear because the two are tied together. But yes the thing is to say is for me as well it would be really helpful, you know, if you're going - for anybody who does submit comments to this just rather than to saying hey we don't like this just give us a rationale as what your concern is with it.

Because ultimately from our perspective it's, you know, we're looking for clear steps. I mean very, very simply put as a registrar I'm not interested in the being the arbitrator of this. I'm really not interested. I don't want to have to be arbitrator.

I want to have a clear set of processes to follow that's it. The gentleman that was in back of...

Man: Yes.

Michele Neylon: I'm sorry.

Man: Well I can be very quick because I had two questions. And one was about the privacy proxy. And obviously there is - isn't a clear reply or solution on that so we'll work further on that.

And another one was that although we as lawyers want to have a fast lock sometimes we also need a fast unlocking. And yet if you just can't give a short comment on your solution there.

Michele Neylon: Well could you clarify what you mean by what you're referring to with respect to unlocking under what circumstances?

Man: Well when the parties have come to an agreement and there's no need to proceed with a full dispute resolution but as the domain name is locked sometimes as it is today you need to proceed with the full process. That could be actually very efficient if you could unlock it if both parties agree about it.

Michele Neylon: Oh yes we did discuss that. Marika will step in now and be more eloquent than I am.

Marika Konings: You're talking about supplements right? Yes. So this is Marika. So in supplement it was discussed at quite extensively as well. And I think there is already a process or an explanation there on how that should happen.

There is a question in there though of two approaches because there was discussion on the role of UDRP providers versus registrars in determining which settlement has been reached.

So I think that's one of the issues where the working group is looking for input on because I think in one of its scenarios it would be the UDRP provider directing registrars on this settlement has been reached and you now need to enact that in X amount of time. I think the registrar then needs to confirm that was ICANN and the parties.

And I think the other option was basically the current practice is more that the registrars are really directed to the party and they inform the registrar of the settlement that has been reached.

And again I think there are two different views there. I think especially some of the registrars would like - I hope I frame this right - would like I think to take the UDRP providers to take the role of the arbiter or at least the party that will say this is the settlement and this is what you need to go into to have authoritative voice instead for the registrar trying to determine if they're really dealing with the two parties...

Man: Right.

Marika Konings: ...that have reached a settlement and the appropriate people that are providing them that information or to leave it at the current state where...

((Crosstalk))

Marika Konings: ...the UDRP provider saying well we see how it's currently working and it's fine so we're not sure whether there needs to be a change.

So again that's one of the items where the working group is really looking for input on those two possible avenues or maybe there's a third avenue to

consider. So if you have any suggestions there I think the working group would very much appreciate them.

Man: No thanks. I (unintelligible). Of course today it seems that it's a case by case solution it and it would be very good to have it in the policy.

Man: Okay great. So thanks Michele. We - that's useful. It's clearly drawn out a couple of detail items.

You heard very clearly from Michele that he would like constructive and formulated suggestions or proposals as to how things will change rather than objections to how they've been the way they are now as a working group.

Is that - does that cover it Michele? You have...

Michele Neylon: Yes it does. I mean were having a public session if people want to come along. I know it's quite early in the morning. But with the time zone difference for most of you it's either really late at night or not that early.

And but and, you know, I again with respect to the input, you know, give us the input. But as (Jonathan) says just telling us that oh I don't like this recommendation isn't particularly helpful or insightful.

If you have an issue with a recommendation explaining to us why you have the issue and what you would like to see in there, that would be a hell of a lot more useful for us.

And again to Jeff's point if the GNSO does want to give us guidance and direction on other things that's fine but please make it nice and clear. Thank you.

Man: Thank you. Michele again, thank you for that contributions and questions.

We've let things run on a little I've got a bring things back on schedule. I'm sure many of you will be very keen and interested to hear about the Expert Working Group and the next topics which are being presented by Marika.

So let's just pause for a moment to stop the previous session and then go straight into the next one.

END