

**ICANN Brussels Meeting  
PEDNR Information and Consultation Session  
TRANSCRIPTION  
Thursday 24 June 2010 at 0930 local**

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Alan Greenberg: Thank you very much for coming. I apologize for my late timing. A completely unnecessary crisis was created for the At Large Advisory Committee and couldn't be ignored.

I was wondering where the music was coming from. I forgot where we are. Tell me I'm 15 minutes late, thank you Chuck. You said you'd sit here quietly. We welcome your comments, snarky or not.

Welcome to the Post-Expiration Domain Name Recovery PDP Initial Report Information Consultation Session. I said that all with no - man, no errors. And we have the first slide. Can we have the next slide? I can't read that at all. With these glasses I can't read that. Yes. I can - no, I can read it. Okay.

The - how many people - how many people here are new to this group that maybe you have not - you're not actually part of the working group and participating? One. Okay. And - oh a whole bunch of people behind me. Okay. So we will go over the background.

The rationale for the PDP was a request for an issues report from the At Large Advisory Committee with the issue of how to - what happens to registrations if the registrant does not renew prior to the expiration date.

Now we know that a registrant who is being alert and trying to make sure the domain name is continued will renew. However, if they don't, the question is what exactly happens.

PDP was started in - the original request was made I guess in late 2008. PDP Process Working Group was started in 2009. The challenge for the group is to look at the questions that were identified within the charter set up by the GNSO and come up with recommendations primarily best practices or consensus policy as to address the problems as they are determined by the working group.

Go ahead to the next. The composition of the working group is somewhat important in that since it is a working group looking particularly at how registrars handle certain issues and the impact on registrants, there clearly is a large interest in registrars and participating.

The other groups within ICANN have not been nearly as responsive and participating as one would have hoped they would be. Therefore, there is a very predominance of registrars on the working group, which makes it a little bit more difficult sometimes to have the discussions with representation of all the issues.

Right. The first part of the work that the working group did was to survey a number of the largest registrars and try to understand exactly what the policies were and what the practices were regarding post expiration. We also looked at compliance and then followed a - and then did two different surveys of the working group to try to understand exactly where we would be going in the future.

Yes. So the registrars survey the objective was to understand what happens and to understand what the contracts say. The survey covered the top nine registrars and comprised about 2/3 of all registrations. It was complex

because the different registries do things in different way and clearly there are a lot of business models among the registrars.

We did identify a number of issues, a number of issues necessarily but information data along the way. The first is that all of the registrars surveyed according to their practices provide some level of recovery for domain names post expiration.

Typically the prices are not published ahead of time. They vary sometimes over time. They may or may not vary from the cost of expiration - a cost of renewal prior to expiration. And there are a number of practices, which allow domains to be sold, auctioned, transferred with or with - without the registrant's name.

But nevertheless, all the registrars surveyed - all the registrars surveyed do provide some level of recovery in that period. But registration agreements however tend to universally say that the registrar is under no obligation to do that.

So we struggled for a long time to try to identify how to go forward. One of the real problems in this issue - in this area is that there is very, very little hard data. There is some information from compliance but complaints that they get - but the complaint forms that are filled out are not - were not necessarily tailored for us to get the data we wanted because people can answer things in a variety of ways.

For compliance to do a more detailed analysis actually requires going through huge piles of paper, and we have been reluctant to ask for that level of information.

And of course the registrars who are in a position to theoretically in any case give us data on how many domains are renewed at a point in their various lifetimes, it's potentially a large amount of effort for them to do that and there

are competitive issues where it's not clear that they want to reveal this information.

Haven't been able to get a lot of hard data. Nevertheless we went through and tried to start understanding what the possible options are to go forward.

Charter explicitly identified outcomes of either policy or best practice. The concept of a best practice within the registrar community is not a well-defined term. For instance, contrasted to the registry world where - registries are protected from some legal actions. They have safe harbors if they follow best practices.

Registrars are not - there's not a position - are not a comparable situation. Best practice to a large extent is simply an optional thing the registrar can do should they choose. (Not following) because there's no real way to distribute the concept of that as a best practice or even identify that it is from a registrant's point of view.

Chuck Gomes: I know I said I wouldn't interfere but what safe harbors do registries have? I'm not aware of what you're talking about.

Alan Greenberg: That statement has certainly made a lot during the intellectual property discussions that registrars are immune from liabilities if they have done - taken reasonable actions and followed reasonable procedure such as clearinghouses or procedures which give people fair access to...

Chuck Gomes: So you're talking about the new gTLD process.

Alan Greenberg: Or the launching of any other (gTLD)s.

Chuck Gomes: Yes. Well the other ones to the extent that we're following direction that we have to follow in our agreements with ICANN, which I think (unintelligible).

Yes. There's some protection there. And we can fall back on that. But with regard to best practices, I'm not aware of any safe harbor for...

Alan Greenberg: I can direct you to the registrar - registrars - registries who have said that. To be honest, I'm echoing but we can talk offline about it. Yes.

Man: Maybe it's just a bit of a misunderstanding, but in U.S. law Internet service providers are often exempted from liability if they've taken certain action when notified of certain things. So I don't know if it's necessarily directly best practices. That's likely what they're referring to. I think they're similar things in other...

Chuck Gomes: I mean the specific example - place this kind of thing came up is in - during the STI discussion. There's the recent trademark discussions - the group we had a while ago that if something is recommended as a best practice and a registry does not follow it, then they could be deemed to not have taken all reasonable precautions (unintelligible).

Michele Neylon: Michele speaking. I've - just in speaking to Tim this morning. Under European law, there is the concept of (unintelligible).

Chuck Gomes: I don't know if you swore at me or said something nice.

Michele Neylon: Oh no well then come on now, we do lock heads from time to time but I've never actually sworn at you (unintelligible).

Chuck Gomes: No. Could you define the term please?

Michele Neylon: The basic concept is that under the - I think it's European Commerce Directive (unintelligible) that ISPs and (unintelligible) providers are given a blanket of protection (unintelligible). If I don't know about something, you cannot reasonably expect me to (stop) this. Once I've been put on notice of it, then I have to take an action.

So for example, if you were to say have a hosting account of me and you were to upload some authorized files or whatever, it would - nobody can come along and say oh, you should have taken that down. You should have stopped that action because I have no way of know about it. But once you tell me about it, then I have to do something.

Alan Greenberg: Thank you Michele. I'm not sure it really matters whether the registries do or do not have safety from best practices. The point I was trying to make is that in the case of registrars, there is no association - he really wants to talk. As soon as I finish the sentence.

There is no association of registrars who will say you'll get our seal of approval if you follow our best practices. And therefore they are only something that - they're not something that can really impact registrants.  
Wendy.

Wendy Seltzer: I don't - I didn't hear the beginning of this discussion so I hesitate to jump in. But what I heard at the end didn't sound like what I know of U.S. law relating to secondary liability. And so if this is an important point, just that there's more to add. All right. Thanks.

Alan Greenberg: The point I was trying to make is establishing something as a best practice in the environment that we have today does not really make it a lot more likely to happen than simply whispering it in people's ears and saying it would be nice if you do it.

The survey looked at a number of issues on whether things should be - what should be available and to what extent they should be mandatory or not. Found when we did the first survey that we had inadvertently asked a number of questions with answers that were in some cases suggesting things that were not implementable at all.

In other cases the wording had been less than clear to all the workgroup participants and these are people who are active in the workgroup. And so we decided to re-craft the survey and do it a second time.

As the survey looked at a number of (special cases) and we'll go into some of them in more detail. Look at should there be the capability to recover the domain name, to renew the domain name and for how long. What kind of information does the registrant get prior to and post expiration in terms of the fact that expiration is coming?

Whether they can reasonably understand ahead of time what the rules will be based on the Web site if there is one, based on the registration agreements, prices ahead of time.

Lastly, there is a current provision that was implemented in the early 2000s that if a domain name gets deleted, a registry may have a third offer of service that is called the redemption grace period. That is when the domain is deleted; it essentially goes dark for a month. And it can be covered - it can be recovered through the registrant of record by the registrant.

Although it was implemented by all of the registries at the time it was decided, it's since been implemented by a number of the un-sponsored registries, not all of them though. (Certainly) by all of the large ones. It has not been implemented by all of the sponsored gTLDs.

If one can predict history, it probably will not be implemented by any or many of the new gTLDs that (unintelligible). In addition, because it is not a consensus policy, a registrar may choose to not offer it, not sure why one would, but we're told there are some.

And therefore even if the - even if the domain is being held in abeyance by the registry, it may not be possible for a registrant to get back. Also some subtleties of registrars - registration agreements allow a registrar to change

Whois information after expiration. It may be possible but again, the domain has been deleted.

But the registrant - the original registrar - registrant does not show up in Whois and therefore the registry has no evidence of who the registrant was and (unintelligible).

Michele Neylon: Point of information. If the - when the thin registry - the thin registry, the registry won't know about the registrants anyway.

Alan Greenberg: Other than through the registrar.

Michele Neylon: If the registrar operator if it's one sitting beside you will tell you that he has no knowledge whatsoever of who the registrant was and would have not - and wouldn't need to.

Alan Greenberg: Marika please.

Marika Konings: This is Marika. One of the other points made in that conversation as well that the gaining registrar is the one who makes the request during RGP and in theory the registrant - registrar of record could say this person is not the registrant that I have because it's different in the Whois and so it is on (conference)'s case in theory. It's what we put on, you know, discuss and amendment. That could be a scenario. Maybe not a likely one but...

Chuck Gomes: What do you mean by gaining registrar during RGP?

Marika Konings: So the - well, we look at the person that's trying to recover the domain name during - no I'm sorry. I'm thinking about the - I'm talking about the transfer issue. But in RGP I think what we discussed is if a registrant would like to recover their domain name, the registrar in theory could say well this person is not entitled to recover because he doesn't show up in Whois data if changes have been made at the time of (unintelligible).



Alan Greenberg: Right, but - Marika, that's right. But just to Michele's point, it's the registrar that makes that decision, not the registry.

Chuck Gomes: (Unintelligible) and the - not so much as a Whois issue, the registrar's going to have their own information about that. So (unintelligible) registrar has its own record with regard to (unintelligible).

Marika Konings: (Well then) I got to give them the transfer issue where that's - too many definitions here.

Alan Greenberg: (Jeff).

(Jeff): No, I just wanted to make sure we're...

Man: Somebody make a note.

(Jeff): ...yes, that we're cleared up on that that when it comes to RGP that the Whois has absolutely - it's not a concern. It's not an issue of it. It has to - it's up to the registrar has to make the request to the registry. So if there's a change in the Whois that it doesn't affect - that has no affect on the RGP process.

Alan Greenberg: The issue as it has been claimed, and I have never tried to do it myself so I cannot claim personal experience, is there are - have been cases where the registrar uses the reason that - Jeff Eckhaus's name is no longer listed as the original registrant post expiration. And therefore Jeff Eckhaus does not have the right to recover it through the RGP.

I don't know why a registrar would do that because they've already lost it at that point. But that statement has been made a number of times. It's not particularly relevant to the discussion. So I'm willing to drop it. Marika, can we

go on to the next slide which is - no, I'm sorry. Go on to the ones at the end, which talk about the survey questions in more detail.

So the prime question is should a registrant have the ability to recover after expiration? If so, how long? There was a general consensus that he should have the ability but there was uniformity in the answers among the registrars that it should be a best practice and not something in the consensus policy; not something in the RAA, which requires a registrar to do it.

I have a bit of trouble of how do you say they have the ability when the registrar can change - can say no. But that is the way the survey has - results of the survey have turned out.

The current practices among registrars according to the survey is that I think the median time of recovery is 40 - time to recover is 40 days. It makes no sense to have it more than 45. That's the auto grace - auto renew grace period provided by the registry.

Typically I think one or two of the nine use the time less than 30 days. Most use time close to 40 days and a couple use the time more than (unintelligible) in terms of the - the question I think we divided it in less than 30, greater than 30 and less than 40 and greater than 40.

Questions, comments. I can't see anyone behind me. So, if someone (unintelligible).

Chuck Gomes: They'll stop talking once you start.

Man: Okay. Good morning to everyone. I'm calling from Macedonia. I would like to draw your attention to one specific point. Maybe you know; maybe you don't. ccTLD for Macedonia was not available until 2008. All domain names were registered under (first SEL) domain names with com.mk.

Two thousand and eight ccTLD was allowed for registration for Macedonia. And there was a specific transfer period for the registrant that have registered com.mk domain names. It was allowed in the period of 90 days with priority of this registrant who register their ccTLD domain name meaning if you have registered com.mk for example (86.com.mk) to register only ccTLD. Let's say (sc.mk).

Now there is a change in policy. For Macedonian registrar is MARnet, Macedonia Academic Research Network and they're imposing new regulations. I couldn't - I wasn't able to find out where they found these regulations. But now which is main question here. If or should a registrant have the ability to renew after there expired expiration date, they have stipulated that there are two deadlines. But is 60 days after the domain name has expired.

Alan Greenberg: Question. Are you talking about domains that are currently registered under the ccTLD or under a gTLD? Because what we're looking at is just gTLDs; ccTLDs do not fall onto this policy at all. It's outside of ICANN, so.

Man: Sorry. But I was just wanted to point your attention to this policy as (unintelligible).

Alan Greenberg: Oh, thank you.

Man: Okay. Then just tell me please how this cc country code registrants - registrar imposes this policy. Where they are - they have found this regulations because they were not able to give me this answer when I was asking this?

Alan Greenberg: I think the answer is the rules that a registrar uses for registering ccTLDs, .mk in this case...

Man: Okay.

Alan Greenberg: ...are made by the ccTLD registry are done completely without any involvement from ICANN. It's an independent operation.

Man: Completely independent.

Alan Greenberg: Completely independent. They do not have to use ICANN registrars. They may but they do not have to. And the process is completely independent. Yes Michele.

Michele Neylon: Question. There are two points of reference you could use. One would be the ccNSO they may have open to them. Other place to (unintelligible) .org (unintelligible) at the ICANN meeting. Fortunately we could talk around this for hours but we don't know.

Man: Sorry for the misunderstanding.

Alan Greenberg: I mean typically most ccTLDs have their own Web site and have complaints processes that you can go through. But I don't know of the case specific to...

Michel Neylon: I'm thinking that (unintelligible).

Alan Greenberg: Okay. I think we've basically covered this one as the results of the survey was everyone was positive towards registrants having the right however the split in the results were that the user groups tended to say it should be in the policy and therefore mandatory registrars that it should be a best practice which means it becomes an option issue of something that they can offer or not.

Other questions on this one or comments? Michele your - no, okay. Not that I'm aware of. Has anyone dialed in who is listening and can speak? Do we have an Adobe chat?

Marika Konings: Yes. Well I see that Ron Wickersham is on the Adobe Connect. I don't think - is he in the room?

Ron Wickersham: This is Ron Wickersham. Am I on...

Marika Konings: Yes. We hear you loud and clear.

Ron Wickersham: Loud and clear. Thank you. Okay.

Alan Greenberg: Please speak up if you want to inject anything. Ron is one of those user related people on the workgroup and has been a very active worker in the group.

All right. The next question is - the next survey group of questions is related to expiration notices. The RAA has a very obtuse reference to notices specifically it says that after the date mentioned in the second notice, the registrar can essentially take some action on the domain.

That implies that the registrar has sent out a second notice, which implies the registrar has sent out a first notice. The form of those notices, where they should be sent, how they should be sent, when they should be sent is completely - the RAA is completely silent.

Typically most registrars use email among - perhaps among other means. There's a general perception that many registrars send these notices out weeks or months ahead of time. But the RAA is quite silent on that.

Questions in the survey were should we be explicit about our requirements for notices? How many? Should there be any guidelines as to when they are sent out? There was a little bit of worry about if they're sent out too early they get ignored. If they're sent out too late, there's no opportunity to really do anything about it. So do we need to provide any guidelines?

And should there be any guidance in the RAA as to how to send them out? Do we need to say you must use Twitter as a stupid example? The consensus seems to be that there should be some indication in the documentation the registrar provides using the contact or elsewhere what they're going to do so a registrant has some expectation of knowing what to look for. But we shouldn't be too specific.

There was a lot of discussion on why do registrar - why do registrants or why do we think registrants do not respond to these messages. Certainly they range from everything from not understanding them to then being classified as spam to them to the registrar having an obsolete email address that's just no longer being used.

So there's a whole range of answers. There's certainly a major education problem in terms of many registrars - registrants - and we're talking about the registrants often who simply by a Web posting agreement. And, you know, they're not becoming domain investors. They haven't read the 49-page contract in any great detail. Expectations are different.

One of the examples that came up in some discussion I had in another forum is you do find people signing up to Web posting agreements which say free domain site - free domain name. They actually think they're going to be free. Or rather surprising someone tries to send them the bill and the (unintelligible). So that's - this has certainly been an issue with a lot of discussion. Are there any questions?

Whois has also been a very interesting area. One of the problems is with most of the common gTLDs the registry provides all the 45 day auto renew grace period. The mechanism is that at the - immediately after expiration, the registry renews the domain for a year from the perspective of the registrar and typically, but not always depending on the registry, charges the registrar the fee for that year.

So if you look at Whois and are not very knowledgeable on this mechanism, you will look at your expired domain Whois information and it will say it goes - it's renewed for another year already. Again, if you're not particularly knowledgeable, you'll say I guess they charged my credit card or I guess I renewed it or I guess I don't have to renew it or whatever and think that it's already done.

Depending - because Whois is registrar dependant, the format of Whois varies from registrar to registrar, the details for the thick - for the thin registries, specifically .com and .net. And there is a lot of registrar - registrant confusion. This is the only recommendation that we've come up with which is virtually unanimous across registry - registrars and users that it really needs to be fixed.

The users have all have the stories of how people misunderstood and the registrars are tired of people calling them and say what do you mean I owe you money. It says it's renewed.

So it looks like that's something that we are going to try to pursue the exact details of what we recommend. It's not clear and we haven't had those discussions yet.

The next question is what happens to a domain after expiration? If you look at the case of a domain, which is being used for Web access, typically the domain will not - no longer resolve to the original Web site. It will go to a page run by the registrar or someone they contract with.

Visually you'll often have paper clip references on it. In the case of some registrars it will also have a notice saying this domain has expired. If you are the registrant, do something; do such and such to get it back. The actual practice varies. The amount of time before that tape's intercepted varies. There are some registrars who reportedly don't bother changing it for a week or more.

There is a general view among the people on the workgroup, not unanimous, that the best way to get someone's attention is to stop it working. That if they have missed the emails or whatever the notices are either because they've ignored them or because they didn't get them due to incorrect email address or spam interception or whatever, then the Web site not working is perhaps the best way to catch their attention. But there is no consensus policy, no rules to say what the registrar has to do.

Terms of other services, in general if the Web is intercepted by the registrar for this kind of flash page, this kind of park page, virtually all of the services will also stop working except mail. Quite possible because of the way the DNS handles mail with MX records which are - which take precedence over the A record that points for a Web site and other services that mail can keep on working after the Web site is intercepted.

Quite possible and in fact quite common for mail to continue working up until the day or the moment that the domain disappears completely and is irretrievably lost. That may not be a major issue for someone who uses mail as an ancillary service on top of the Web usage but there are an untold very large number of domains that are used purely for mail.

So although the registrar is intercepting the Port 80 requests, no one's going there because only mail is being misdirected - is (unintelligible) and it will keep on working until it fails.

The general recommendation among most members of the workgroup and there are few exceptions but generally across the whole workgroup is that things should stop working quicker, sooner rather than later as one of the better means of catching the registrar's - registrant's attention that things are not perfect.

Question? No questions, no comments. James?



James Bladel: (Unintelligible) now. I'm sorry if you already covered this but, you know, when we start to talk about the different services and things that take precedent and that's all really dependent upon things that are outside of the scope of what a registrar does which is essentially link up to a main server and other registrars and individuals and organizations operate their own named servers and may choose to implement those differently or respond to those requests in a custom or proprietary manner.

So I think that what we discussed in the group is that it's hard to predict with a high degree of certainty what's going to happen with resolution services, you know, once you get outside of or beyond the actual zone.

Alan Greenberg: That's true to an extent. It's true that if - well I think the main differentiation - differentiator is it depends on whether the registrant was using a DNS - was originally using a DNS managed by the registrar or a separate one.

James Bladel: Correct.

Alan Greenberg: Whether it was a registrar provided service or...

James Bladel: Yes.

Alan Greenberg: ...whether it wasn't but I guess my point is that the registrar provided DNS services are really kind of not my knowledge not governed by any of this.

James Bladel: Just my point that, you know, that's why we're seeing so much variation.

Alan Greenberg: Well we're seeing variation because very often registrars do things in different ways number one. And number two because of the whoever - who hosts the DNS or the given registrant will cause the registrar to take different actions. If the registrant is using someone else's DNS, the only way the registrar can redirect the Port 80 traffic, most registrars say they do, is to change the entry

in the root to point to a different DNS server. At that point everything moves over. Yes.

Now if the registrar - if the registrar's DNS is being used by the registrant, then some registrars will not change the overall DNS pointer but just change the A record associated with it. That will allow email to keep on working. But they could instead change the whole DNS record and...

Man: And I need someone a little more technical to jump in here. The registrar isn't sending A records to the registry...

Man: There you go.

((Crosstalk))

Alan Greenberg: We have our technical expert.

Man: I'm not claiming to be a technical expert on the DNS but I'm (unintelligible) have been around these corners for a while. I'm also one of those strange registrants who want to edit (unintelligible) by hand. A lot of what you are doing here is effectively second guessing the registrant's operation. And trying to figure out how within the registrant's operation you can do this or that for this or that service. I suggest that that is an unhealthy (unintelligible).

Think of it of the level of there is a domain name. It maps to a named server and the named server is under the control of the registrant, whatever that named server returned is under the control of the registrant. Whether the registrant might be able to mess around with that is an implementation detail of what the registrant uses.

I don't think it is healthy to dive into can we break Web traffic while keeping mail traffic alive. If you break an A record in my main set up has an MX that

points to something different and I use that A record to actually retrieve my email, then you have broken my email.

There are so many interdependencies that you don't (unintelligible) outside and if you're the one who has set up the system. It's just not going to work. Don't go there.

Alan Greenberg: With due respect we are talking about post expiration where the registrant no longer has control but the registrar does.

Man: And I think I am misunderstanding this point because this is something that we've been bringing up. What (Thomas) is saying (unintelligible) at all is because some people who do not have the technical knowledge...

Alan Greenberg: Now I'm confused because I thought there was a general consensus that including many of the registrars on the group...

Man: Okay Alan, you asked me a question, a specific question say should X happen, then I will answer the question that I have been asked. So you have asked us should mail stop working and my answer would be a categorical yes. Because I've - if I have - if I do control the DNS part of it and I do control the other services then I might have the ability to do (unintelligible).

But to ask (Thomas) like he pointed out, we shouldn't be going - I shouldn't have even gone near that. If you ask a question, it was impolite for us not to answer it.

Alan Greenberg: All right. Is someone here claiming that host expiration, the registrar does not have the ability to redirect the whole domain name to a different DNS server and stop it from working according to what the registrant originally - the way a registrant originally had it?

Man: Not at all. Basically what we - what the point is that what (Thomas) said encapsulated it much more neatly. Started it with a simple, sorry my throat's gone, - the domain DNS servers and then everything after DNS servers.

Alan Greenberg: But if you change the DNS server, you change what happens.

Man: What happens is that we didn't know, we could not know about (linking) the DNS servers is the (unintelligible).

Alan Greenberg: What happened before is irrelevant. The question is can you make it stop working. Well, right now if I'm managing my own DNS and my registrar - my registration expires, you will take over - change the zone entry and you will point it to your own DNS servers; most registrar's will.

Then everything will stop working because it no longer points to anything that I wanted. That was the point of this recommendation is that we suggest it always be done that way as opposed to just sometimes being done that way.

Man: Yes. But then we start - yes, I agree entirely. But the thing is we then started asking also some crazy questions about services that we have been saying for months that we couldn't have know about. That was the thing where as what (Thomas) said (unintelligible) actually is perfect to me.

Alan Greenberg: It does turn out that the other services are moot because everything works off the A record I believe except for mail.

((Crosstalk))

Man: Everything works off the DNS record, yes. There are many DNS records, not just A records Alan.

Alan Greenberg: Everything is pointed - Paul.

Paul Diaz: Thanks Alan. This is Paul Diaz from network (systems). We're going down a rabbit hole. I mean you've already introduced the majority, vast majority of the working group that let's turn everything off to get the attention.

To (Thomas)' point and he made it very well, he was just basically shooting down that vocal minority within the group that (unintelligible) all sorts of things to keep going no matter what and just explain you can't monkey around like that.

Alan Greenberg: (Then) I suggest we all stop violently agreeing with each other with the exception...

((Crosstalk))

Alan Greenberg: ...with the exception I believe of one person who wants to see email continue. Everyone else says shut everything off. And if we believe the registrars have the ability to do that by changing the things...

Man: (Unintelligible)

Alan Greenberg: Nobody is advocating the semi stuff or hardly nobody.

Man: (Unintelligible).

Alan Greenberg: Yes please.

Man: (Unintelligible).

Alan Greenberg: That's why I said let's stop violently agreeing with each other. Let's move on. Okay. There was general comments, general agreements that things should stop. We may catch someone's attention that way. If they're on a three-month vacation, tough. We can't fix everything in the world. And may we move on.

Man: (Unintelligible).

Man: Can we kill the lawyer please?

Alan Greenberg: That was suggested several hundred years ago. I don't know why we're still asking the question. Yes, go ahead.

(Michelle Mauch): Hi. My name is (Michelle Mauch). I represent a Brazilian registrant. The only issue that I see the fact that people are asking for be mandatory and turn off all this service. It's true that sometimes the only way that we get to talk to the registrant is turning off the service. But it also happens in our case that we don't turn off the email because it is the way they talk to us. Sometimes they try through the phone but they don't also use the email.

So we are kind of successful but not just (unintelligible) but when it's possible when we have the control of the DNS but (unintelligible) still working since it uses it for communication after the Web site has started working.

Alan Greenberg: That problem has certainly been raised. There seems to be a larger number of people who do not - either do not use that email address or the registrar's email goes into a spam filter and therefore it's not an effective way. And but they may still be using it for other email and they're not getting any warning at all.

In any case in that particular one, we are looking at the possibility of exceptions because there may well be situations where that - it is not the appropriate case. But it would seem in the vast majority of cases that is the best way to get people's attention. But we need to look at it further and perhaps we can talk later. Perhaps you'd like to join our working group.

(Michelle Mauch): My issue is about being deemed that authority because I see our behavior is that (unintelligible) our market. I am not against it (unintelligible) certain

(unintelligible). I'm not saying that they cannot do. I just want to be able to be there providing my market.

Alan Greenberg: Do you turn off the Web service though?

(Michelle Mauch): Yes.

Alan Greenberg: Yes.

(Michelle Mauch): Because and the only reason that we do it is if we cannot get a call answered in two days...

Alan Greenberg: How do you handle it if the DNS - if the registrar - registrant's DNS is hosted somewhere else where you either have (unintelligible) everything or nothing?

(Michelle Mauch): In that case I cannot do better. I just change the DNS (unintelligible).

Alan Greenberg: So in that case you turn off everything?

(Michelle Mauch): Yes.

Alan Greenberg: Yes. Okay.

(Michelle Mauch): Just to mention that they are the minority in our case.

Alan Greenberg: All right. The next one we're looking at in some detail is the redemption grace period. And I talked about that a little bit earlier. The question is should we make it mandatory for registries and registrars. Now as noticed for many registries right now it is a voluntary service.

But it has been noted that for the registries that have been created since the RGP was first invented, the majority of registries have not implemented it.

And I think we can reasonably expect that the majority, if it's not included as a contractual requirement, will not implement it in the upcoming new gTLDs.

There was a small majority certainly not unanimous but a majority of workgroup members that felt it should be made mandatory; that is all registries must be allowed, must be forced to do it.

And again, there was some discussion of if there is a specific reason due to the business model of the registry wide, it really does not fit or is not necessary that certainly there could be a method, you know, equivalent of an R step request, a funnel request to turn - to not provide it by may be something that can be provided or handled in contractual negotiations.

The issue was also raised that for registries that don't really need this because of the way they're operating, it may be an undue expense to have to implement it. But it was pointed out that it doesn't have to be an automated process if it's never used (unintelligible) annual process. Chuck.

Chuck Gomes: So if what you're asking right now is should the RGP be a consensus policy and if so consensus policies, and ICANN staff ruled on this several years ago, can't be oriented towards some subset of the registry - registrar community. Now there can be exceptions like you were talking about that's okay. And that's been done because of unique circumstances of a particular TLD.

But if the question is should it be a consensus policy, then if it's a consensus policy, then it doesn't apply just to - and correct me anybody if I'm wrong on this. It doesn't just apply to registries but applies to registrars as well.

Alan Greenberg: There seems to be some debate over that that it would be possible to craft a consensus policy that says all registrars - registries must offer it but not all registrars must be forced to. But I don't think that would be the normal (unintelligible)...



Chuck Gomes: Yes. All I would suggest there is get General Council's opinion on that because I think all of us as registries and registrars have requirements in our agreements to implement consensus policies. I just suggest you get that clarity soon rather than later.

Alan Greenberg: Noted. We're listening to one of the two people who invented the RGP. So his words are wise. Any other comments on RGPs? Now I will note that when the RGP was crafted, all domains that expired were deleted eventually.

How long it took depended on the specifics of the registrar. The expired domain deletion policy EDDP, which was enacted in 2004 I believe, required that the registrars do this within 45 days. They could delete immediately after expiration and few do and otherwise they must do it within 45 days. I'm off the track of where I was - that one. Oh, I'm sorry. (Unintelligible). I think that was the last one in this section.

Now another of the things we discussed, but certainly didn't come to any closure, is the issue of registration agreements being in language, which is very difficult to understand, crafted by very good lawyers employed by the registrars. And very often there is wording in the agreements that say things like the registrar may or may not do something or the registrar may do something at its sole choice which provides a certain level of uncertainty to the user.

There was a fair amount of discussion on should we try to ensure that information is presented to registrars, registrants in ways that are understandable whether through the rewording the agreement or explanatory information peripheral to it.

There are words in the RAA right now related to a number of things where it says the registrar must clearly display on its Web site if it has one. The word

clearly is not defined and it's very subjective. And there was certainly a large objection to trying to use those words and have real meaning to them.

On the other hand, there are example around the world at jurisdictions where there are either best practices, which are, you know, honored best practices or laws which say you got to provide very clear statements to the customer. But we have (Cheryl) in the group who's from Australia and spent a good part of her recent career crafting things like that or ensuring that they be crafted so that there are examples.

Man: (Mikey) I've got a point of order.

Man: Sure.

Man: We're 20 minutes from the end of the meeting.

Man: So two sentences away. Our next steps are the report will be formally published. It's available on the Web right now but we will be opening a comment period in July.

The comment period will include a form of a questionnaire to solicit input from the general public outside of the working group on a number of the questions. And we will then continue to work and hopefully come to some closure. There are a number of documents and I'd like to open the floor up to any questions or comments.

Marika Konings: I just have a comment. I just got some feedback on the question of RGP and imposing obligations. A consensus policy can impose obligations on registries or registrars or both. So it's (unintelligible) to use possible (unintelligible).

Alan Greenberg: Thank you. And the floor is open again. The absence of any comments from either people in the working group or in this group, I encourage everyone to

read the report if you haven't. For those who are not part of the working group, please take the time to participate in the survey we'll be offering. And I know Marika has something to say and wish us luck.

Marika Konings: This is Marika. Maybe as you have many working group members here maybe just a quick discussion on when we're meeting next and how we're going to move forward on the public comment forum.

Alan Greenberg: Ron go ahead.

Ron Wickersham: Yes. Is the gentleman I believe who was from Brasil who was concerned about keeping the email alive still there? I have a question for him.

Man: Yes he is.

(Michelle Mauch): Yes I am.

Ron Wickersham: Yes. My question comes from if the person, the registrant has not renewed the domain name and it's expired so the working email before expiration failed to get his attention. So therefore if you keep the email working, are you really doing him a service or not?

My concern comes that if you keep it working for the entire period, then it reaches a point where it's impossible for him to recover it when it finally does quit and he is - so he's not in a position to recover it at all. The earlier you interrupt it following the expiration, the more time he has to make a correction while he has the right or capability to pay the fee and get it renewed.

So are - do you see the point where trying to be good to him by giving him extended email service may in the end cheat him out of the time to act sufficiently promptly to recover his domain name or am I misunderstanding what you're trying to accomplish?

Alan Greenberg: Okay Ron. There is one other issue that I think I'll add before the gentlemen responds. In our slides we tried to be very brief. The actual detailed question did say that if there is a discussion or dialogue between the registrant and registrar that they don't have to shut it down. It's only if you cannot establish any sort of communication that shutting it down is the last resort. But please if you could respond.

(Michelle Mauch): It's correct. If the registrant doesn't try to come up because we may have shut off all the service. But one thing that I want to make clear here is there are registrars here that are much bigger than us that have broader perspective what the registrant is. (Unintelligible) for us, it doesn't come to us to ask I want a domain.

They come to us and say look I want a blog with my name. I (owe) - sometimes I make a few souvenirs and I want to have a store with my name. They never come to us and say I want a (unintelligible) - a domain. I want to Web hosting. They don't come to us asking these kind of things. They don't even understand.

Most of the - our customers are I think are being (trained) with videos where they go there, they know what they should put in their forums, how the system should be working but I cannot expect that they would understand what they are buying. They know what they want.

So the way we work it to make sure that we get calls to them so sometimes it's not - I may say that we failed to express to them what the ICANN is. But most of the time they don't want to know. But it's (true) and we want to communicate to them. So sometimes we behave in a way that it's not in the way it's done in other countries or even in the registrant in our country because we want to service this specific kind of customers.

I think that's the main argument that all the registrar exposed saying that every registrant has a different model or a business model that should talk to people that don't understand ICANN and most of this process.

Alan Greenberg: I think the substantive question that Ron was asking and I'll ask it - I'll try to ask directly is what do you do in the situation where you start - you send a few more emails to this registrant saying you must renew and they don't respond; you cannot establish a dialogue?

(Michelle Mauch): Our team is allowed to turn it off. But what I can say that all of our customers that don't use our DNS or Web hosting, they usually they are much more informed so this doesn't happen to them. Those - the customer that has their own DNS in our case usually they are well aware what they should be doing.

Alan Greenberg: We're really focusing on those who don't renew. You try to contact hem. They don't respond. You know, at that point I think you're saying yes in those cases you will turn it off to try to get their attention and that is the only recommendation here.

(Michelle Mauch): I would say that most of the cases are going to be turned off but I cannot claim that zero percent of the case they want someone to watch their domain but I can certainly state that they are a very, very small number.

Alan Greenberg: Any other question? (Jeff).

(Jeff): I guess - well maybe I guess this is to Marika's point is if you could lay out - Alan or Marika to the group what are the next steps in the process and when this - the public comment period will begin and end and what will happen after that. And then sort of (aren't), well not, you know, the dates around those and what would happen after the closing of the comment (group). Will it just be the final report would be after that? Okay.

Marika Konings: This was on the question before - that's one of the questions that I think was raised in the last discussion has the working group as we don't have any concrete recommendations in this report. The group might want to consider putting out either a, you know, second initial report or a draft final report or another round of public comment.

If we have really concrete recommendations that differ very much from, you know, the options that were put forward in this report. So that's something for the group to consider on the, you know, what comes next and I'll let - leave it to Alan on the public comment page.

Alan Greenberg: Our intent is to open the public comment period within the next few weeks. We're still trying to get settle on exactly what questions are we're asking in the survey and that discussion didn't come to closure prior to the meeting so we - we're being a little bit vague on that. But the intention is to open it let's say in July. Hopefully earlier rather than later because we open for a month typically.

Marika Konings: As it is a PDP working group the bylaw's requirement is 20 days.

Alan Greenberg: Twenty days.

Marika Konings: So take into account, you know, holidays it would be better sooner rather than later. I mean I guess there's nothing preventing if we really feel that it's (awkward) and we don't get responses that the group does a second public comment period or we just, you know, do a new one with the same questions. But the bylaw requirement is a 20 days public comment period on the initial report.

Man: Right. I would sort of assume that, that means no less than 20 days but probably no prohibition in longer or you say 20 and then immediately extend it, which is are norm.

Marika Konings: I would need to check that with legal council as we have interpreted in the past as meaning 20 days and that's it. I would need to check if - I mean on other public comment periods we do extend but those are not mandated by the bylaws. I would need to check, you know, what the guidance is on that.

Alan Greenberg: If you could. Anything else before we close? Then I thank you all.

Marika Konings: Next meeting. When does the working group going to meet next time? Okay. All right. We'll get that set up. The usual time I presume. Yes it would be the 6th of July would be then the next call.

Okay, well we'll get a reminder out to the list.

Chuck Gomes: (Not next week, the week after).

END