ICANN Cartagena Meeting
RAP Implementation Drafting Team
TRANSCRIPTION
Saturday 04 December 2010 at 1715 local

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Greg Aaron: Greg Aaron. And this is my co-chair Mikey O'Connor.

Mike O'Connor: Junior co-chair.

Greg Aaron: Oh please. We'll make this to the point as much as possible because it's been a long day I'm sure and Marika if you could move ahead to the first slide.

This group is an implementation team. The Registration Abuse Policy Working Group met for a year and concluded its work before the Brussels meeting. It made a number of recommendations coming out of its remit.

The council then asked the implementation team to basically take those many recommendations and put them in order, make some recommendations about what the counsel might do next.

So these are suggestions and recommendations about how to deal with all of the material that the RAP working group created.

The working group had a fairly broad remit. It was asked to look at a number of questions including those on the screen such as are their uniform approaches to dealing with abuse problems? And if not, do those pose any problem some what are they? What role should ICANN play? What's within scope of the GNSO to deal with? What might be outside and then come up

with some specific recommendations about specific problems the council needs to consider.

Mike O'Connor: And just to amplify, that's the charter of the RAP working group not our drafting team.

Greg Aaron: So there were 14 recommendations coming out of the RAP working group. In addition the group looked at several other issues as well and decided not to make specific recommendations on those topics.

So we had 14 things to pass on to the council. And we're here to talk about the order of those today so the council can then take (unintelligible).

Just so you know the RAP WG had 14 members in it. Those were from across the spectrum of the stakeholder groups and constituencies. The only one's not recommended were - included were the ISPs. They did not participate.

The implementation team then came along. Our job was to not re-debate with the RAP had recommended but to kind of do an administrative task which was about next steps.

Mike O'Connor: So what we did, you know, this was really not a working group. This was really being - it's doing sort of a project management function. Because the RAP working group came up with a big long list of tasks and the question that was put back to us was which one should we do first?

And so what we did is we looked at four sort of dimensions of the big pilot projects.

One of the dimensions was the consensus level that was arrived at in the real working group. And, you know, there were a number of - I can't remember

right off the hand - the top of my head but it was on the order of half. The recommendations were unanimous consensus from the working group.

Another thing that we did was we looked at sort of how big and complicated the projects were likely to be because we thought that that might be useful to you as a counsel as you're sort of scheduling the work.

And one of the things that we were aiming for was to find out whether there were some really, really easy things that could be treated. And essentially it's low-hanging fruit. You could just sort of say look, this is almost no work at all. You just have to write a letter or something like that and let those float up to the top.

But we also didn't - wanted to give you a sense of our view as to which the big complicated hard projects were so that maybe you didn't schedule them all in exactly the same time.

We also took a look at dependencies in sort of the project management sense that said, you know, before you can do this project you really ought to do this other one over here so that you don't get wrapped around the axle when you're launching a project. But predecessor work hadn't been done (for them).

And then the kind of classic take all that and then rank them from a priority standpoint to put them in order. If you couldn't draw it out of those first things then figure it out amongst ourselves.

But again, our job wasn't to rehash the policy discussion. It was just to be project managers and help you put them in order.

I know I've already covered the low-hanging fruit thing but that's the really easy simple one that you can just sort of go ahead and do. And we let those go into their own category.

Greg Aaron: (You want to) do this one?

Mike O'Connor: I'm on a roll here, what the heck.

So that easy one, there are a couple of things where the recommendations sounded pretty imposing. But in fact those first two are essentially memos or letters to the compliance department saying could you assemble some data, could you do a study to give us some information about those two topics?

So from a GNSO volunteer working group kind of perspective the level of effort is very low. It's basically just drafting a note, sending it off and asking compliance to do some stuff.

And then from there that - the rest of the list is in rank order based on those four dimensions.

The titles are a little bit different than what the work really is. The first one, malicious use of domain names is really the recommendation that came out of the RAP that said it would be a really good idea if registrars and registries figured out a mechanism to collaborate to assemble the best practices that they already have, that they already used to combat the malicious use of domain names.

So it's not like replaying the whole story again. This is saying that the working groups, you know, the official year long working group's view was that assembling best practices in one place and having a mechanism for that to be done is a really good idea.

So that was our first choice. That's a big complicated highline project.

Problem is that I can't translate from these summaries to the real projects. Marika, can you maybe help out with this because this isn't the way I think of them?

Marika Konings: Yes I think I should.

Mike O'Connor: Or maybe you...

Marika Konings: I was looking for Glen because I think the idea was that the letter would have been printed out and everyone could look at the recommendation. But I have them or you have them (unintelligible).

((Crosstalk))

Mike O'Connor: That's why I'm the junior co-chair.

Greg Aaron: I have the letter, so malicious use had received unanimous consensus from the RAP working group. This ranks I think medium in terms of complexity and scope.

Whois access recommendation Number 1 is to put together a charter.

The problem is that the working group found that Whois data is not always accessible. That's different from whether the data it is accurate or so - and so on.

But a lot of times you can't get to the data in the first place. In some cases that's because there are not contractual provisions in place that might make that easier and so on. So it's a significant issue.

There are two ways to address it that we recommend from the (unintelligible) team.

One would be to form a charter drafting team, create a charter for a working group to do that gap analysis and make very specific recommendations.

The council might also consider passing this on to the RAA Drafting team. That drafting team is looking at revisions to the registrar contract and did not identify Whois access as one of the - that's what the Whois access recommendation is (about).

Okay. Cyber squatting, recommendation Number 1. This was also a unanimous recommendation from RAP Working Group. And it recommends the initiation of a PDP by requesting an issues report to investigate the current state of the UDRP, better balanced revisions to address cyber squatting if appropriate that are including how the UDRP is addressed, the problem of cyber squatting to date and any insufficiencies and inequalities associated with the process and whether the definition of cyber squatting (unintelligible) ERP language needs to be reviewed or updated.

This was ranked as a large complexity and scope. The next step would be to start basically a PDP process with the drafting team.

After - so those are the unanimous recommendations. After that you have a series of other.

Coordinator: Excuse me, Berry Cobb joins.

((Crosstalk))

Greg Aaron: ...with declining levels of consensus. The next one on the list is uniformity of contracts.

Mike O'Connor: Let me interject here. And that is Greg is talking about declining levels of consensus. Again, we're back to the original working group not (unintelligible).

This particular drafting team wasn't rehashing the policy issue. The level of consensus we talk about here is always the original working group not (unintelligible).

Greg Aaron: This one had in the original group, working group, strong support but significant opposition. Size and complexity was considered large by the implementation team.

It's basically the creation of an issues report to evaluate whether there should be a minimum baseline of registration abuse provisions for ICANN agreements, i.e., those registry and registrar contracts, if created how such language would be structured to address the most common forms of registration abuse.

Then the last one on the slide up there is about gripe sites. This had a rough consensus in the original RAP. The (implementation) team ranked it the size and complexity is large.

Basically the group said make no recommendation. However there was an alternate view that the UDRP should be revisited.

Substantial policy changes would be necessary to address inconsistencies related to decision gripe names. That likes the names that denigrate a (unintelligible) entity.

So and then there are number of recommendations that fall even lower in the rankings from (implementation) team. Mike?

Mike O'Connor: Well and I think before we get onto that, one of the things that we did on these last two is we refereed them back to you.

Because when the original RAP group was split we as a sort of a project management put the things in piles, put them in order and groups. It was outside our brief to decide what to do about those split decisions.

So you'll see in the letter that the next step is to refer this back to the council to decide.

Okay so cyber squatting recommendation Number 2, is the one I've now opened that document clever lad that I am.

This is another split decision. Part of the working group, slightly larger part, suggested the initiation of a PDP to get an issues report to investigate the appropriateness and effectiveness of how any rights production mechanisms that are developed elsewhere in the community, i.e., for the new gTLD program can be applied to the problem of cyber squatting in current gTLDs.

The minority view said the initiation of this is premature. The effectiveness and consequences of rights protection mechanisms proposed for new TLDs is not known at this time.

Discussion of these RPMs should continue via the new gTLD deep program. Experience with them should be gained before considering their appropriate relation if any to existing TLDs.

And again, this is one that we are referring back to you. And what we're doing in this little drafting team is just putting those decisions in order for you and saying consider this one later than some of these other ones.

Same goes with (unintelligible) notices. This one was a unanimous consensus by the working group. But the drafting team, the sequencing team, this last little group put it pretty low on the list.

It says the whole deal where people send you a renewal notice that says Mikey your domain name is expiring soon, you better renew it but it's not the real registrar. It's another registrar that's trying to slam you into their registrar. The working group, the real working group viewed this as unanimous consensus but, you know it's later in this project management sequence thing.

The next step that we're suggesting is to go ahead and actually request an issues report on this. But as you can tell we're getting down into - I think it is.

Greg Aaron: (Unintelligible).

Mike O'Connor: Yes, yes.

Greg Aaron: ...to refer some questions to the compliance department?

Mike O'Connor: Oh no. That's - those are the low-hanging fruit ones. And then once they've been done.

Greg Aaron: Okay then we...

Mike O'Connor: Then we go ahead.

Greg Aaron: After the low-hanging fruit you have to...

Mike O'Connor: Then you do this.

Greg Aaron: That's why it's lower.

Mike O'Connor: Right.

Greg Aaron: Okay.

Mike O'Connor: See this is the beauty of having two co-chairs because we kind of help each other through this stuff.

Okay, you want to do the next one? Oh no, I want to do it because it's a meta issue. Meta issues are one of my favorites.

So one of the things that the long working group, the year long, year and a quarter long working group came up with is what we started calling meta issues which are issues that are really bigger than the GNSO but we think the GNSO would be a good gang to sort of drive the issue out into the light of day.

And the first one of those that we in the real working group thought was super important was the idea that we should put mechanisms together in ICANN to collect and disseminate best practices of all sorts, not just the one that we're recommending about malicious use but there are all kinds of other best practices that ICANN is perfectly positioned to facilitate.

And what we decided in the little drafting team was to use the malicious use best practices for ICANN project as sort of a pilot project and then later on in this later set of projects take the lessons learned out of that and see if we can generalize that to a suggestion in other areas.

And so in the working group there was unanimous consensus. It's a big complicated project. It's dependent on the malicious use best practices effort. That's number one in the list here.

And the next step would be to launch a drafting team to do the charter for that.

Now you can talk.

Greg Aaron: Next one is the cross TLD registration scam. This is basically when somebody writes to you, they got a hold of your email address and says someone else is - someone's trying to get your domain name but in another TLD. So you should come to us and get that domain name in the other TLDs. (Unintelligible) after so you don't get (unintelligible) upon.

This one the RAP WG said that we need to kind of pay attention to this one. It's - it is abusive. But there's not enough data at this time to warrant an issues report or PDP. Basically keep an eye on this one. But it's not so big of an issue and so pressing that we need to.

Mike O'Connor: A meta issue, so the next one was uniformity of reporting, another unanimous consensus one from the working group.

And the notion was we're a policymaking body. If you're going to make policy you ought to have a consistent mechanism to report performance against those policies.

And so the working group was unanimous on this. It's a (unintelligible). Anyway, sorry.

So we'll wrap this up. Anyway these last few are pretty low on the list. They're - it's in the letter. And we'll commend the letter to you. How about that for (unintelligible).

Greg Aaron: (Unintelligible).

Mike O'Connor: And go read this.

Greg Aaron: Okay. So to wrap up the council will have a number of recommendations in front of it.

What we've tried to do is tell you what the next steps might be for you. It will require the council to go back to the original RAP working group report which is - actually I think a very strong report. It really identifies the policy issues that you need to think about.

It contains good summaries of all the debates that took place in that working group and should be a starting place for (getting) various members of the council.

So now we turn this over to you for next steps and we're happy to answer any questions you may have.

Woman: Thank you very much for both of you. And the next slide of your presentation you have links to those reports that you have pointed out. So maybe those who want to review the whole presentation can get the information from there.

Do we have questions for Mike and Greg? Jeff?

Jeff Neuman: So if you go back to the first slide where it shows the ones that you (unintelligible) really like it low-hanging - yes that's I guess...

Mike O'Connor: Oh low-hanging fruit.

Jeff Neuman: Well I guess you've done all the work try to figure out complexity and to low-hanging fruits. What is your recommendation for the (unintelligible)? See I know you ranked it. Are you telling us that we should start...

Greg Aaron: So what...

Jeff Neuman: The first two weren't the PDPs. They were - the only PDP I heard was really the cyber squatting.

Greg Aaron: Yes.

Jeff Neuman: Or that's at least the first one on there.

Greg Aaron: Well in the letter we actually said what's the next step for the council to do? In some cases it's really easy.

Jeff Neuman: Yes.

Greg Aaron: Low-hanging fruit sends a letter to the compliance department asking for the following.

                  Ultimately on the other ones counsel's going to have to, you know, discuss each one of those and take a next step or not.

                  It's ultimately up to you but we suggested what you might want to do next.

Woman: Other questions?

Man: I don't like (just because) to me it just seems like we're unanswered questions (unintelligible) questions would be kind of a feeling of doing something to move forward or we don't want to move forward. I still feel like we're doing...

Mike O'Connor: Okay I - let me offer you a thought. Basically I did a fair amount of the heavy lifting on this because I'm sort of a project management kind of guy.

                  And so eventually RAP working group came to the council with a great big report, a giant report, I don't know, 150 pages Marika's - one of Marika's all nighters again. It was a fabulous report as always.

                  And the council said wow, that's a really big pile of stuff to do. What should we do first? Why don't you go back and figure that out?

And so what we did is we went back and said here's what you should do first. Those two, they're really no-brainers. Just go ahead and do those. And then go through the rest of these in this sequence as fast as is prudent for the GNSO to handle.

So now you the GNSO have a lot more information about which thing to do when, what sequence to do them in and what to do next.

But we weren't - we were essentially a staff function for you in this context.

We went ahead and analyzed all these things, figured out how complicated they are and so on.

But we made, except for the choices of the sequence really handing it back to you, the policy management bodies, a bunch of information to assist you in your policy management jobs, staff work basically.

Woman: Thank you Mike. Marika?

Marika Konings: This is Marika. I think this comes back as well to the discussion we had this morning on prioritization and what to do with new projects coming up.

And (describe) what the drafting team did was indeed to trying to put those in order looking at the complexity, priority, the consensus level achieved by the working group and give that back to the council to make some decisions.

And, you know, again I think it's important to review in detail what each of those recommendations entailed. But all of them, you know, apart from the low-hanging fruit where - it's more staff work that's required, require more work either in the form of a working group or a drafting team or a PDP.

So I think it's, you know, now in the council's hands to discuss how to move forward. You just move down the list. And is there too much going on that,

you know, that work can't be taken on? Is there a volunteer interest to start up those efforts?

Woman: Thank you Marika. (Mike)? Sorry.

(Mike):   Thanks. I mean there's no doubt in my mind that this needs to be a very top priority of the council, I mean that this issue the working group took 15 months, council sat on it another couple months before it kicked it to a drafting team or to this prioritization team which has done their work in another six months.
So it's just, you know, it's been a really long time and these are really important issues.

So what I would suggest is that we do something similar to what we did with the IRTP which is sort of lay out a plan of all the different, you know, part A, B, C D -- whatever past the council's plan that these be knocked off one by one and then it simply works into our ongoing prioritization exercise which, you know, we - I believe we should say that the first one at least is critical importance, immediate and that it's going into our top bucket of priorities for now.

The other ones, you know, in turn we'll get to just like the IRTP. You know, I say all that realizing that we past the IRTP plan probably three years ago. And I think it had part - up to Part F and we're only not even close to done with Part B.
So I mean, you know, obviously it's frustrating. Things always take a lot longer than we think. But we need to have a plan to at least approve this and get one of them moving quickly.

Woman: Thank you (Mike). Any other comments?

Jeff? And I think responding to a very good presentation I think that we should find someone or group of people that want to take the lead and take all this information and move forward. Jeff?

Jeff Neuman: Well I think the information to move forward is there. I think that's what we asked them to do.

I think now it's just a crafting a motion for which ones we think we can move forward with.

I'm not sure what in our whole structure we do to draft letters. I mean it's like - I guess it's just like a - it's not really a PDP. It's just a work team or something.

And you presumably can do the low-hanging fruit by creating - it seems like those two are sort of related. Maybe even the same group could do those.

Malicious use of domain names is one where it's kind of come up with of best practices. That might actually be kind of a policy development...

Greg Aaron: Yes the recommendation on that one is...

Jeff Neuman: Yes.

Greg Aaron: ...to form a community working group.

Jeff Neuman: Right. The Whois access, did I hear you right that that one was one that you think could be handed over to the RAA group because it's - it relies on basically ability to access the information? Is that the recommendation?

Mike O'Connor: That's the one where what we said in the letter to you was that...

Jeff Neuman: Right but that's - well the access to it. But basically...

Mike O'Connor: Yes.

Jeff Neuman: ...not the data itself...

Mike O'Connor: Right.

Jeff Neuman: ...but just the ability to access it. Right and...

((Crosstalk))

Jeff Neuman: ...there was some things in a...

Greg Aaron: Yes. And the recommended choices were either form a charter drafting team to draft some specific language or steps that address the particular problems in the RAP, that the RAP working group identified and/or kick it over to the RAA drafting team.

Jeff Neuman: Okay.

Mike O'Connor: No that's...

Woman: Marika?

Greg Aaron: That's...

Marika Konings: It's not going over...

Mike O'Connor: Oh yes.

Marika Konings: ...to the RAA drafting team because that group already wrapped up and delivered this report. It would be to add it to the list of priority issues that they identified moving forward in the discussions.

Jeff Neuman: That seems pretty...

Mike O'Connor: Well what we - we were trying to make this easy for you Jeff.

Jeff Neuman: Well I'll just try to figure out...

Mike O'Connor: By the way I do want to correct one thing on the record.

Jeff Neuman: So...

Mike O'Connor: And that is we only took two months. We didn't take six.

Jeff Neuman: It seems like the first or the major PDP that would be on there would be the review of the UDRP which is surprising that that's been in a place for 12 - or 11 years and hasn't ever been reviewed.

                  But I mean that seems pretty logical to get something started, at least an issues report started. But...

((Crosstalk))

Woman: You're (leading) it.

Jeff Neuman: What's that?

Woman: I think you (unintelligible).

Man: I'm happy to work with you. You and I could probably sit down and draft a motion.

Woman: I'm happy to volunteer.

Man: I'd be happy to do that.

Jeff Neuman: All right and obviously not for this meeting because it's way too late for that. But yes, I mean it sounds like something that could get kicked off in the New Year.

Woman: I vote I would like to join Jeff and Mike.

                Tim?

Tim Ruiz: I was going to say that we - I know we have some things on our list already for the wrap-up session but this - this might be another thing we could touch based on one more time just to make sure we're all on the same page about how we're going forward.

Woman: Any other comments?

                Okay. Thank you very much Greg and Mike. And thanks for the participation. And Liz has a comment and announcement to make.

Liz Gasster: Yes just very briefly I have some policies staff news.

                Actually first I'd like to introduce Steve Shang who has been with the policies staff with ICANN for over a year. But this is his first ICANN meeting.

                He is a Senior Technical Analyst on the policy staff and we're very glad to have his technical expertise.

                And then I also wanted to announce that Marika Konings was promoted to Senior Policy Director a couple of months ago. And I hope you'll share my congratulations to her.

Woman: Thank you very much. Any other comments? So we are finished for today.

Thank you very much to all of you and we see each other tomorrow.

END