Transcription ICANN Durban Meeting

IRTP D Working Group

Wednesday 17 July 2013 at 07:30 local time

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Coordinator: ICANN conference call with confirmation number 1889092 on 17 July 2013. Recording started at 11:50 PM Central Time. Clear can you hear me loud and clear?

Man: Could you repeat that?

Coordinator: Can you hear me clearly?

Man: That sounds very good. Thank you.

Coordinator: Okay. Thank you.

Man: Hello Barbara.

Barbara Knight: Hello. This is Barbara joining the audio bridge.

Mikey O'Connor: We couldn't quite make out what you said but we're here. This is Mikey.

Barbara Knight: Hi Mikey it's Barbara. Sorry about that. I'm having technical difficulties this morning.

Mikey O'Connor: Oh well you're coming through fine now that I know it's you. We are sitting in a room that is so full for people Barbara you could not imagine.

Barbara Knight: Really.

Mikey O'Connor: I mean the crowd yes the crowd noise is just like overwhelming this year.

Barbara Knight: I bet...

Mikey O'Connor: This is a room they could...

Barbara Knight: ...in the morning.

Mikey O'Connor: Well it's 7:30 in the morning which is what time it is here. There are the two folks that run the room. There's two folks from staff. And there are four folks from the working group and that's it and bad danish in the back.

Barbara Knight: Well I can't say that I'm surprised given that it's Wednesday and so early.

Mikey O'Connor: So we probably won't go through the background slides. What do you think?

Barbara Knight: If it's just us I can't imagine that we would need to.

Mikey O'Connor: Yes we could probably get those out of the way pretty quick. We're sort of fiddling around with the video and stuff like that. So you've probably got time to pull another cup of coffee out of the pot if you wanted.

Barbara Knight: All right. I will do that. In the meantime I'm going to go ahead and mute you.

Mikey O'Connor: Okay. I think I'll just leave my mic open so Barbara knows that we're still here.

Barbara Knight: Do we not have a chat function on this particular Adobe?

Mikey O'Connor: A which function?

Barbara Knight: Chat...

Mikey O'Connor: Yes.

Barbara Knight: ...on the others we have a chat function.

Mikey O'Connor: Oh, you know, the way these rooms are set up we might not. Is that true?

Barbara Knight: It actually is possible (unintelligible). Thanks Lars.

Mikey O'Connor: I'm sort of working my way towards that same Adobe room. But, you know, these are a little different Barbara because these are the ones for the room rather than the ones for...

Barbara Knight: Exactly. It actually just (unintelligible).

Mikey O'Connor: Cool. Well that's good. I'm getting there. Oh here we go. Really?

((Crosstalk))

Mikey O'Connor: Yes what's with the Beijing routing on our network here I don't...

Man: (Unintelligible) Wi-Fi.

Mikey O'Connor: Oh okay.

Man: (Unintelligible).

Mikey O'Connor: Yes that's what I was wondering.

Man: Yes.

Mikey O'Connor: Well I was thinking maybe it was something more sinister.

Man: (Unintelligible).

Mikey O'Connor: Wow. Way to go. That's pretty cool. Oh yes.

Man: But we were waiting for him.

Mikey O'Connor: Yes.

Man: Do we want to get started or is this...

Mikey O'Connor: Yes we probably should.

James Bladel: Okay. And (Natalie) is not here that correct? So I would ask oh she is. Hello (Natalie). Hello (Natalie).

Mikey O'Connor: Get your thing out.

James Bladel: Hello (Natalie).

Mikey O'Connor: There you go,

James Bladel: There she is.

(Natalie):   Hello.

Man: We were going to start the meeting now that were starting to accumulate I think we've grown 30% in the last few seconds here when two people walked in the room well half of staff okay so less.

                But if we could begin the...

Man: Can we just get a few moments here?

Man: For the record this is the GNSO IRTP Part D PDP working group scheduled from 7:30 AM to 9:00 AM local time.

James Bladel: Okay thanks and welcome. And it looks like we're up and running so if we could - we have the recording started is that what the thumbs up meant?

                The thumbs up means we have the recording started. So good morning and welcome to this standing room only session here in Durban, South Africa where we are going to kick off the IRTPD that's transfers working group.

                We'll go around the table here for introductions and then we'll go through the folks who have - who are participating remotely.

                And we're going to - I'm going to wait for him to swallow his coffee and then we're going to pick on (Bob) to start us off name and affiliation please.

(Bob Melkin):   (Bob Melkin) (Main) Media.

Chris Chaplow: Chris Chaplow, business messages.

Marika Konings: Marika Konings, ICANN staff.

(Wynetta Batayacido):   (Wynetta Batayacido).

Lars Hoffman: Lars Hoffman, ICANN staff.

James Bladel: I'm James Bladel co-chair.

Mikey O'Connor: Mickey O'Connor the other co-chair.

(Graham Bunting):   (Graham Bunting) from (Toucows).

Berry Cobb: Berry Cobb staff.

James Bladel: Thank you. And our lone audience member a new participant care to introduce yourself or...

Barbara Knight: I guess that must be me. Oh I'm sorry actually I didn't realize...

James Bladel: Sorry we're coming to you Barbara. There is actually we acquired a visitor. Please join...

Barbara Knight: Here I thought I was the only one in the Adobe room.

James Bladel: You're next.

Rich Peterson: Rich Peterson from Dyn.

James Bladel: Okay. Thanks Rich and Barbara?

Barbara Knight: Barbara Knight representing the Registry Stakeholder Group from ICANN or I'm sorry from VeriSign very early here. Sorry.

James Bladel: Okay. And good morning and hopefully your - you've got some coffee as well so it - and you're more comfortable than we are.

                  And then we have one other person I believe Peter Larsen. Peter. Okay maybe he's just in the room and not on the bridge.

So welcome everyone. And to this group where we had planned a two part meeting which would be an update to the community on our activities and our work which is essentially a repeat of the slides that were presented to the council on Saturday.

And then we would have an actual substantive discussion on our working group agenda. Given the light turnout the first part seems a little redundant.

I think everyone here in the room is very familiar on what we've done to date and where we stand in the work process.

Certainly happy to do that again if there's a, you know, burning demand to do so but I don't see the utility in it.

But one thing that we may benefit from as Mikey and I were discussing over by the coffee and danish table is the - it's just kind of to check into our work plan between now and the next meeting which we did mention to - do you have that one slide Lars the last slide where we talked about her schedule going forward what's next?

Lars Hoffman: You mean you're (unintelligible)?

James Bladel: Yes. Maybe we could just go through that one slide.

Mikey O'Connor: Is this the computer that's running the slides in the room too? Oh okay. Yes anyway just to rattle it off James the initial report is just initial report is August early August final report is envisioned for Buenos Aires.

James Bladel: Okay and thank you for putting that up in the room. And thanks Mikey for finding it so quickly.

So looking at the idea that we would have final report published in Buenos Aires which is the third week of November right before Thanksgiving I believe for those in the US.

In order to have that done there's probably a document cut off coming in the second week of November.

And I'm sure Marika has an exact date that she's going to pull up here. But I'm just guesstimating for the purposes of this conversation let's say it's the first or the second week of November.

Marika Konings: No it's actually 28 October at the...

James Bladel: Wow.

Marika Konings: ...(unintelligible) deadline is. But if you're at the final report you actually only have the ten days for the council because then you just - you're not publishing it for community discussion but you're actually publishing it for council consideration so than the deadline is actually ten days in advance.

James Bladel: Okay so let's say early November late October or early November which means that we would have had to of reviewed all of the public comments in order to produce that.

So now we're backing into the review and the comment period. And it's probably on the order of six weeks review and comment period. The comment period is 42 days.

Marika Konings: Yes. And review it all depends on how many comments you receive because we have had working groups as you may recall where we actually spend a couple of months actually going through because the comment generated a lot of discussion a lot of consideration.

And if you only get two comments...

James Bladel: Yes.

Marika Konings: ...I do want to point out that early August is basically two weeks away.

James Bladel: Yes. That's what we're working towards this...

Marika Konings: Yes.

James Bladel: ...this (unintelligible). Because we - spoiler alert Marika (unintelligible) here.

But so what we were saying is essentially that in order to do so we would have to put our document out for public comment probably our initial report would have to be ready for public comment in the second week of August so that it can be ready for review in probably saying middle September.

And that gives us enough time to review the comments. Make any changes to the reports. And get it turned in in advance of the document cutoff deadline or Buenos Aires.

So working backwards from Buenos Aires it's starting to feel very, very tight. Now again all of this we're leaving lots of room for the 30 comments that we're not going to receive and the massive changes that will probably not be required to be made to our final report. But just in case it's important to leave that into the schedule.

So I think that the message then is that we've got a very short window to get to that initial report and that is our next major milestone and what we should be driving towards coming out of Durban.

Any thoughts on that Mikey or...

Mikey O'Connor: Yes. I, you know, I think my thought is that we'd give it our best but it does feel a little tight especially with the variability of the review.

I mean if we get a break on the comments we might be able to do it but if we can't I think one of the things we don't want to do is try to cram down a really tough schedule on top of this. Go ahead Marika.

Marika Konings: And this is Marika. I know often the ICANN meetings help us to work towards a deadline. But I think as we're here on the final report at least working towards a deadline for submission to the GNSO council of course the next deadline that comes up is basically for the next meeting that will be a month after.

So I think there you need to give yourself some flexibility as well and saying, you know, yes it's nice to have it submitted by Buenos Aires but at the same time it's not a point where you're going to discuss with the community.

Normally for an initial report I think it's very important and very relevant because then you have the opportunity to actually engage with the community and tell them like this is what we're going to be or this is what we're suggesting as recommendations.

What do you think? Please provide public comments. Our first submission to the council it's, you know, of course it's always good to have deadlines because it does drive work.

I think there you may if you get to that point where you need more time I think you say well then we just take the deadline for the next council meeting because every time that's really a ten days before you have a meeting that you have a chance to submit your report and motion.

James Bladel: Thank you Marika. And that's exactly where Mikey and I landed when we were having this little pre-meeting back by the coffee is that our fall back and

probably realistically if we receive a lot of comments will be that council meeting in December that's happening before the holidays and at the session in Buenos Aires instead of a presentation of our final report would be maybe a draft final or just a review of our recommendation.

But I think that we - but, you know, I think that part of us don't, you know, we've got a lot of time yet. Let's not surrender too quickly to our calendar. I think we can get a lot done.

I know that next Monday we're going to have a lot of folks coming back from Durban. And then we're into August when it's very difficult to pin folks down.

But I think we have a good team that worked very quickly together. And we can set out a hitless of the things we want to knock out before our initial report. We can get to that as quickly as possible.

So with that said if there are no other thoughts or queues on this particular subject we'll move into a more substantive discussion that gets us a little bit closer to that goal.

I see blue screens all over the...

Mikey O'Connor: Yes it's interesting now that Adobe room looks fine but this computer is...

James Bladel: Yes. Nothing else is really working.

Mikey O'Connor: I'm having a really bad day. So, you know, I don't that it matters.

James Bladel: Well, you know, when we wake of computers at 7:30 in the morning they has a tough time.

Mikey O'Connor: Usually though...

James Bladel: Until you pour the coffee in them.

Mikey O'Connor: Usually Macs are better, you know?

James Bladel: Okay. So let's take a look at - we have our agenda, we did the roll call, we did an overview of the work the community but in this particular case the community is ourselves getting our own work plan in order.

I think we're now ready to discuss the agenda items number three and four. And we're discussing the charter Question E and charter Question F.

And maybe Lars you can put charter Question E up on the...

Lars Hoffman: Yes.

James Bladel: ...thank you. So where we last left our heroes is that we had engaged in the review of the feedback received to the initial report and the deliberation on the working group.

And surprisingly or not surprisingly I guess depending on your point of view we found very quickly that a few are gravitating towards a consensus position.

So what we the charter question which is that whether existing penalties for policy violations are sufficient or if additional provisions or penalties for specific violation should be added to the policy?

And I think it was very quickly understood by this working group that penalties or sanctions for policy violations are spelled out or prescribed as part of the RAA or in the case of the registry the RA and our the purview of ICANN compliance.

And it would be kind of an unusual and perhaps even concerning precedent for a PDP working group to start designing policy specific penalties and then building them into the policies.

I suppose the only difference would be if there was a clear link between some behavior or some action like we saw for example in the ad grace period abuse policies. I think that would be maybe the only example of that and I'm just shooting from the hip here.

But I think that going through the review here and that's down in that third paragraph where it says working groups observations.

And I do want to read through that Lars. I don't know if you want to summarize? It's a lot of text.

Mikey O'Connor: What aside. And while you're figuring that out Lars -- and this is Mikey for the transcript-- you know, going back to the notes that I took I think that the comment that we made was that we might want to amplify the notion that overarching sanctions structure of ICANN is something that we would as a working group want to point to and say (leave early).

And so in addition to not specifying additional sanctions we also wanted to highlight the idea that working group level policy should not in general create unique sanctions. I think that was the other point that we were trying to make.

James Bladel: Absolutely right Mikey. And I think we can all envision a patchwork in the future with every working group went off and felt like it was their purview to develop penalties or sanctions or - for violating the particular policy it could get very, very confusing. I think best to leave those in the overarching framework of the agreement and the contracts.

I'm just making this a little larger here. So where we arrived -- and I will read this part because I think this is important and this is where were coming in for

a landing on this topic -- is the last paragraph that you see in the Adobe room which says preliminary recommendation.

The working group concludes that the penalty structure which has come into place with the 2009 RAA and the additional catalog of sanctions that will come into effect at the 2013 RAA once adopted is sufficiently nuanced to deal with the different levels of potential IRTP violations therefore the working group recommends that the additional penalty provision need to be added - no additional penalty provisions need to be added to the policy at this...

Man: Point.

James Bladel: ...point okay. Is there a second page that I can't see?

Man: (Unintelligible) sign in.

Mikey O'Connor: If you had a real computer...

James Bladel: Oh okay all right sorry - that little Adobe (unintelligible) feeling.

The working group emphasizes in this context also that as a principal GNSO policy should not have individual sanction structures rather it is desirable that the overarching RAA penalty structure is sufficiently detailed to assure uniformity and consistency policy violation penalties wherever necessary.

I think that's - that captures everything. Maybe it just needs a little bit of polish on some of the language but I think that that's a comprehensive statement. And now we'll go to the queue and first up is Chris.

Chris Chaplow: Thank you. Just sorry to jump back to the observations. And it may be worth us actually referring to the clauses in the RAA on this sort of thinking about it from a region's point of view when we once we get through to the report.

We then would have to go and hunt anything out if you wanted to cross check but if we could refer to (unintelligible) specific.

James Bladel: Okay. Yes Lars I think you're going where I'm going on this but go ahead.

Lars Hoffman: No.

James Bladel: Oh is - there would be two references then the 2009 RAA section and the 2013 section.

Lars Hoffman: Yes this is Lars. And there we annex the last sentence that and we actually have an overview of the various provisions that just capture the penalties that would - I can pull that up if you wanted to that will be annexed to the report. Thank you.

James Bladel: Now as just as someone who recently signed the 2013 RAA I would point out that that does create the potential that two different registrars would be sanctioned differently for the same violation depending on which contract they have. That's true for everything (unintelligible).

Marika Konings: And this is Marika. This actually triggered by conversation I'm having with (Bob) here on the side.

How does this actually worked for registries? Do they have similar kind of (unintelligible) in their agreement?

And is there any need to consider whether they should be anything as well to stay in the transfer process, you know, do something that's not allowed or especially thinking more of the new environment were moving into with many more registries. I mean it's just something that's occurred to me now.

James Bladel: Yes. And I think under the water line that iceberg it's very, very large very quickly which is, you know, who is going to be policing all these new registries.

So unfortunately with Barbara and her group of colleagues thus far that has not been a huge issue but it will be a growing one as we build obligations for registries in this process.

I mean registries had obligations under the current policy and it was just always taken as a given...

Marika Konings: This is Marika. I'm not familiar enough with the new registry agreement (unintelligible) something similar in there or, you know, I know they have the what is that the PDRP or where they can take away the registry?

But they do have - do they have anything like this where like this where indeed if you first violation you get an email, the second one you get a notice does that exist for I don't know maybe Barbara knows how that works?

Mikey O'Connor: Barbara do you want to give a whack at that?

Barbara Knight: Hi. This is Barbara for the transcript. I was actually trying to raise my hand as well but I don't know that it works on this one.

Anyway it's my understanding that under the ICANN Compliance Program there is a similar notification process whereby, you know, registry operators would be first I think the compliance try to, you know, work with the registry operator.

But then, you know, to the extent that, you know, compliance is still an issue then there would be, you know, notification sent.

And it progresses it's my understanding anyway that at least under the compliance program information that I've seen so far that it would continue to progress similar to the way the Registrar Compliance Program progresses.

James Bladel: Okay thank you Barbara.

Barbara Knight: As far as the new agreement is concerned I haven't looked at it in a little while so, you know, I would need to go back and take a look at it before I'd be able to speak, you know, to that one at all.

Mikey O'Connor: So to your point Marika, you know, it seems like there's a reasonable action item to at least dig into that agreement and see if we need to annex that one into this as well and figure out some language is that kind of one of those make your head explode kind of questions that is tough to figure out at this hour.

But at least on the surface it certainly feels like something that we'd want to tie in or at least look at.

Marika Konings: Yes. And this is Marika. It may be just a question for us and we need to go to compliance and say hey you know, we're very aware of what happens with registrars but what's actually the sanction policy indicates a registry would violate or the transfer policy in one way or another and maybe indeed we can just say that maybe the same thing exactly applies but I think it may be helpful to have the complete picture and be able to capture that or if it comes back that, you know, that doesn't exist you may want to consider (unintelligible) in case it's something similar actually.

James Bladel: Okay thank you Marika and Barbara. And we'll maybe punt that over to Lars and say can you please reach out to your counterparts in the registry relations office and the folks who are working on that or have finalized that registry agreement to see if there's specific areas that we can cite in this report.

And I think that can address our kind of overarching concern that we never really had to think about this before but it's something that we will have to consider in the impending landscape.

Okay I'm getting a thumbs up from Lars so all right thank you. So what else do we want to discuss with regard to sanctions? I think that this topic is fortunately fairly straightforward. (Bob)?

(Bob Melkin): Yes thanks James this is (Bob). I guess in just bringing it up it seems a bit odd now that they would ask us to develop sanctions.

It seems like it is a topic that would be much better handled by, you know, I don't know attorneys or (unintelligible).

So - but is this something normal? Is there precedent that a working group would do that or how did that - how did we end up with this one anyways? And (unintelligible) little risky and even plotting it over to a working group?

So I think that's a good point is where did this come from? I think a lot of these charter questions were constructed beginning in 2007, 2008 by the transfers task force that Mikey was on.

But - so I want to say like the 2013 RAA and in fact probably the 2009 RAA was a twinkle in the eyes of the folks who were working on that because prior to 2009 the only tool that ICANN had ICANN compliance had in it's toolbox was the death penalty or nothing.

And it's only in the last two versions of the agreement that we kind of put in these graduated sanctions or the spectrum of penalties.

Mikey is a veteran of that group so maybe can fill us in on that but know he's waving me off. So I think that's probably the context of where it came from.

I would point out that there was also at the same time there was a - the forget the formal name but it's the policy against domain name tasting that the AGP limits policy or something like that which has specific financial penalties built in in that once you cross a certain threshold then you lose your ability to recover or refund fees.

And I think that, you know, there's another example of maybe and to my knowledge the only specific example where if you do X then penalty Y if you violate policy X and penalty Y applies.

But I think in that case it's very closely tied because the refund and, you know, was the part that was being abused. So I think in that case it's probably okay but in some of these other ones go ahead.

Man: I'd say the, you know, the work the makeup of these workgroups can vary all lot and participation can vary.

And you could see if somebody if they, you know, if they're interests were such they could develop sanctions that could actually affect and swing things to their benefit.

I mean, you know, I don't see that happening. I don't think anyone would act that way. But I think that's the risk of letting a working group do something like that so...

Mikey O'Connor: I think the other thing and this is Mikey. I think the other thing is that it kind of tidies up the picket fence if we get the sanctions outside the picket fence and just leave the policy part in.

James Bladel: Yes excellent point Mikey. And I agree with you (Bob) it's not too hard to see - they're smart people at ICANN.

You know, it's not too hard to see a competitive advantage baked into a policy so that, you know, (Graham) hold the pen on some sort of sanctions that only applies to folks like Go Daddy but allows other registrars to kind of -- I'm just kind of picking on him because he's here -- but yes it's easy to see where someone could design tailor made policies with tailor made sanctions to target specific players or slices of the market as opposed to applying equally and equitably across the whole industry right? That's a good point.

And then I had a thing here just another thought and it's I think maybe tied on to Marika's point who reports on a registry when they violate a consensus policy?

I mean right now a registrant would call ICANN compliance exactly. I think it has to go to the registrars to call on the ICANN compliance when a registry is they believe has committed a violation because who else would have visibility to that? So long as were brainstorming. Marika go ahead.

Marika Konings: This is Marika. But presumably unlike any other any registrant you can go and, you know, fill in the form that compliance has on their Web site presumably you can do that as well on behalf of your registrar if you feel that a registry is in violation and...

James Bladel: I mean I suppose so. Does that form exist yet?

Marika Konings: I think I mean I think so.

James Bladel: Okay.

Marika Konings: I think there's a - I think at least compliance is working on some of them (unintelligible) but I think there is a Web form that you fill in to indicate what your issues about I believe...

James Bladel: Well these are good questions for a compliance session I think that's coming today or tomorrow. Chris.

Chris Chaplow: Yes I filed a compliance (unintelligible) complaint against registery and damage issues in the form on the compliance Web site.

And the form itself is antiquated. And I think it's going to be updated anyway because you agree to send an email with attachments and explanation but I think that's the way it's done.

James Bladel: Okay. Thanks Chris. Yes Lars go ahead.

Lars Hoffman: This is Lars for the record. There's a sales performance complaint platform on the compliance Web site so you could definitely complain about the registry performance.

James Bladel: Okay thanks. Simonetta.

Simonetta Batteiger: Who can fill out this form? Is it only registrars or anybody?

James Bladel: I think it's a public forum.

Simonetta Batteiger: Okay.

James Bladel: Yes. With some capture and spam controls I hope. Okay I see that Barbara has her hand up in the room. Barbara's that...

Barbara Knight: Yes.

James Bladel: ...you weigh in on this?

Barbara Knight: Thank you James. This is Barbara. So I guess from my perspective and understanding how we've designed our systems in order to comply with the transfer policy I'm not really sure what complaints would be brought.

I'm thinking that most other even the new registry operators will probably be using back end registry services providers who would also be designing their system to automate the transfer process.

So I guess there could be some complaints raised, you know, relating to the transfer dispute, you know, handling.

But I'm not really certain given how automated the transfer process itself is in validating, you know, (unintelligible) and things like that what complaints may arise anyway relative to the...

Mikey O'Connor: This is Mikey Barbara. I think one of the ones that's popped into my head is an interesting use case. As long as we're doing make your head explode use cases today is the vertically integrated registry registrar that's transferring out.

So I can see some sort of peculiar this is in speculative realm right now. So I think that's right Barbara for today but I'm not sure about tomorrow.

I think tomorrow is got an interesting set of new use cases that we may want to leave some hooks in this policy to accommodate rather than unity trying to envision them all.

James Bladel: So Mikey if I could follow up on that last bit when you were saying you would leave some hooks in this policy you mean our recommendation as it stands is insufficient for that?

Mikey O'Connor: This is Mikey again. I think that it - as we brought in this notion of referring to the registry sanction structure in this paragraph which is what I thought we were sort of edging our way towards with your head explode idea.

But that would be the hook that it's not in this right now. And so I think when we write that section we just want to be careful how we do that.

James Bladel: Okay thanks Mikey. Simonetta.

Simonetta Batteiger: Maybe the recommendation could say something like in case there's nothing in the registry agreement today that something like that - something similar to what's in the RAA in terms of sanction should be put there?

James Bladel: I think that...

Mikey O'Connor: I don't think we want to go there. I think unbuttoning the registry agreement today is going to be a hard sell.

James Bladel: But maybe -- and I'm just going to jump in here -- maybe I'm - yes I agree with you we don't want this particular group to start digging is paws into the registry agreement.

But we could perhaps issue a cautionary statement that we don't want the sanctions to be a negotiable point in the registry for those registries that are going to negotiate their own specific agreements from the baseline I mean that might be one note.

But I - all of this stuff is going to be so much further down the road by the time our final recommendations are issued then I'm concerned that we'll be halfway through the game by the time that comes out. Marika.

Marika Konings: This is Marika. Something to watch (unintelligible) that we're looking at the system that we place for registrars (unintelligible) applies to any violation. What the charter question actually talks about is violations under the IRTP.

I think what we need to look at if we - for the registry if nothing exists whether indeed there needs to be anything within the policy that suggests or needs to be considered.

So I think maybe we're getting ahead of ourselves and first probably need to find out what exists for registry violations.

And based on that information maybe decide okay there is actually plenty there and maybe along the lines (unintelligible) for registrars so we don't need to worry about it or in it.

There's not - we need to - okay for this policy because the question is specific to this policy. So I think we have to be careful as well not to start designing an overarching scheme for violations because that's not within our mandate within this charter.

I mean in of course the working group can suggest this is something that needs to be considered because we discovered that it actually is not there.

So I don't think it's necessarily in the beyond the agreement of this group beyond on what violations or penalty should exist for IRTP violations.

James Bladel: So thanks. And that's a good point. And I think, you know, we have such a low turnout this early in the morning so we can indulge these kinds of discussions but you're right we are way beyond our remittance in regards on this topic.

I would point out that with the vertically integrated -- this is just something that popped into my head - for the vertically integrated entity that was violating IRTP the sanction could be applied to the registrar side of that coin because they would have signed both the registry agreement and the registrar agreement. So perhaps that's the avenue to smack of vertically integrated entity if it violates the IRTP.

Mikey O'Connor: This is Mikey. And, you know, to sort of maybe wrap this one up it seems like we've got a two-step affair.

You know, first we got to go find out what's out there what pieces already exist and what form they're in which agreements they touch, et cetera.

And I think it's partly a conversation with the compliance, and partly it's a conversation with your fellows in the registry support group, and maybe a conversation with folks like Barbara.

And then once we kind of know the lay of the land once we know the structures and frameworks that are there come back and draft the hook if you will the little addition to this.

That I don't envision it being very big but, you know, maybe it's just a sentence or two and the reference to language in registry agreement. I don't know but anyway two stages. (Bob) go ahead.

(Bob Melkin):   Yes. I was just wondering would it be worth a side conversation maybe a few of us just break off and do a use case under this new vertically integrated scenario.

Mikey O'Connor: You know this is Mikey. I'm the one that cooked that up. It is awfully early in the morning. And I think I'm often the weeds on that one.

I've been thinking James pointed out something that's like (duh) and hit your foreheads and again no-registrar hit the registrar so...

James Bladel: And yes and I think that it's the beauty and the problem or the strength and the weakness of ICANN is that we send very, very intelligent people to these types of groups and that we tend to try to solve every hypothetical problem.

You know maybe we just need to mention it that we thought of it, we've observed it, we've in many regards feel it's outside of the scope of this working group.

But just raising the possibility in some respects gives us something to push off on if and when that problem ever manifests itself.

Mikey O'Connor: You know, I'm not sure that we even go to that level of explanation. I think it's if the structures are there I'm sort of envisioning a pretty matter of fact sentence that's pretty parallel to the one that's already here for the registrar it pretty much echoes it and points to the equivalent sanction structure on the registry side tada and not even go into a big justification thing just acknowledge that there may be a time when a registry needs to be sanctioned under this and point to how that's done (unintelligible).

James Bladel: Okay thank you and thanks for that interesting - did we lose everything here...

Mikey O'Connor: Yes this is Mikey. I'm thinking that given the fact that the audiovisual in the room seems to be experiencing a lot of trouble -- oh was it -- well I'm just thinking we may want to wrap up now to give them a chance to get the room ready for this next meeting.

James Bladel: So I think...

Mikey O'Connor: Aren't we due out here at the bottom of the hour or are we...

James Bladel: Quarter till.

Mikey O'Connor: Never mind.

James Bladel: We have another 20, 25 minutes. So yes, no it's okay. But we should probably wrap up this topic so that we can get to our agenda item number four.

And I should mention that we have been joined sir my heir would you please introduce yourself name and affiliation yes our new visitor.

Volker Greimann: Hi. My name is Voelker Greimann. I am a registrar constituent agent (LCOM) member. And I work with the key systems register in Germany.

Mikey O'Connor: You're not on this one? I thought you...

James Bladel: I think he is our council liaison...

Volker Greimann: I am the council liaison.

Mikey O'Connor: Yes. You know what's this visitors stuff?

James Bladel: I would say visitor sorry was an air quote for Barbara and the other folks that are on the line but thanks for coming Voelker.

So I think that's probably a good stopping point for agenda item number three. Let's take a look now at agenda item number four and we can give ourselves a good 20, 25 minutes to discuss that.

Let's see this is charter question F whether the universal adoption and implementation of APP Auth-Info Code has eliminated the needs for FOA's?

And again it's not going to force folks to revisit the entire working group observation but we did discuss this one. This was an ad on from the previous working group.

And I think what we determined was in the vast majority of transfers the FOA is or feels redundant to the Auth-Info Code.

However in those scenarios where a transfer was later disputed or found or questioned whether it's was legitimate the FOA was determined to be invaluable in helping to untangle the chain of authority for that particular transfer.

So very short very sweet recommendation at the bottom of the Page 2 which says at this stage the group does not recommend the elimination of FOAs.

I think we probably fleshed that out a little bit and say why or if we feel that that's sufficiently covered in our observations.

But I think we could also leave the door open to potential technology improvements in the transfer progress at some point down the road would say that maybe we taking another look at the FOA's particularly in some future environment where all registrants were all registries are thick or all registrants are verified where all, you know, where all the different loopholes and vulnerabilities that create the need for all these back up authorizations that are maybe perhaps no longer as important as they are today.

But I think that in general there's really not at least coming out of the working group maybe we can change that today. It doesn't seem like there's a whole lot to discuss on this one.

Mikey O'Connor: The only thing I'd add is that there is a pretty extensive compliance comment that ties into this. So, you know, we've got plenty of material to expand the why if we need to.

You know, we've got registry comment and we've also got the compliant comment so plenty of grist to add a paragraph that highlights why we think it's a good idea.

James Bladel: I just wanted to point out that in the chat box there are a lot of participants that believe that the volume is very low on the bridge. Is that me not speaking directly to the mic or is that my fault?

Okay thanks. We've got the - we've got - it looks like the whole team of audiovisual folks in here trying to address some of the early morning kinks...

Mikey O'Connor: And typing madness in the chat.

James Bladel: Yes. And meanwhile...

Mikey O'Connor: So (unintelligible) when I continue to speak and you're saying slightly blurry low volume is it any better now? Oh (Natalie)'s in there.

Anyway we'll carry on mumbling. And if it's actually required that we speak more loudly we're all not doing that because we all stayed up really late last night drinking and it kind of hurts to talk really loud but if we have to we will.

More coffee is suggested from Bladel. That's a good idea. But the problem with this room is the coffee is a quarter of a mile away.

And, you know, so it would end the meeting because it would take us that long to walk to the coffee and get back. Voelker go ahead.

Volker Greimann: Actually if you leave from this wall you should have coffee right away because that's the (unintelligible).

Mikey O'Connor: That's good to know. How are we doing in the - out there in bridge land is this better now that they've turned the volume up?

Give us a hint in the chat. David way to go. All right so they fixed the problem. They've cranked the volume up. Give us a ping in the chat again if it continues to be a problem and off we go.

James Bladel: Okay thanks. So did anyone else want to weigh in on this preliminary recommendation? And do we have sufficient supporting materials of why we believe this is the appropriate consensus position of the working group?

Anyone else have any strong - this one doesn't appear to be very controversial. No I see nothing but thumbs up around the room and nodding heads so I think they we're oh (Smith).

(Smith):   Maybe you could just capture in a couple of sentences what you said in addition to what's written there on regards to maybe at some point down the road with this and that of the document coming into play you could take a look at this again because you added something verbally to what's written here.

Maybe if you just go back to the transcript there's a few more sentences you can add and that would make it grand.

James Bladel: Okay thanks. And since I don't remember what we were - what I was saying six minutes ago I'm getting a thumbs up from Lars that he took some notes.

And he will reference the transcript and see if there's anything new to be teased out of there. But I think that is, you know, I think that's - we'll do that for sure.

James Bladel: Okay. Mikey what maybe thoughts on where we are now? Should we pick on (Graham) he's so quiet over there?

Mikey O'Connor: I like the idea of...

(Graham Bunting):   picking on (Graham) a lot just in general so...

James Bladel: Do you have any - these are the two easy ones that we're knocking out right now so it's...

Man: I don't think I love the idea of we're leaving something in there just because it's useful one in every hundred thousand transfers but - we have no other mechanism around that at the moment. So, you know, that's status quo so be it.

James Bladel: So maybe -- and I'm just spit balling here -- maybe the extra sentences that we were discussing with Simonetta and Lars would be that we would acknowledge that until such time as a replacement or some other improvement or enhancement is there but, you know, but until - but this is what we've got this is all we've got so we've got to kind of hang on to it until we get something better.

Lars Hoffman: That sounds like a very sensible suggestion.

James Bladel: Well Lars I don't know if we can easily capture that as well but I think it makes a good point because we shouldn't hang on to things - I mean that kind of thinking that's why we still have fax machines right?

                  If we haven't come up with something better or more universal so we still drag these clunky old technologies around with us. (Bob).

(Bob Melkin):   I guess, you know, one alternative which I'm not recommending is trying to anticipate what might change.

                  I think that's a can of worms that I don't think we want to open up. I like to type solution market, mark it down, you know, if it does turn out that it needs to be reworked at a future time then rework it a future time but I like the outcome we've got here.

James Bladel: See I And I didn't want to go too far down that road (Graham) because I'm hopeful I mean this is just me just kind of day dreaming a little bit here at 8 o'clock in the morning is that I'm hopeful that instead of an IRTP E or an IRTP F, or OG, or W that we would just essentially before we reform this, or tweak it, or come up with new FOAs, or come up with new dispute mechanisms that we would just say, you know, this policy top to bottom let's throw it out, let's start all over, and let's really look at what we're trying to accomplish here.

And, you know, maybe in the new environment maybe something like that will be called for one or two years down the road.

But certainly not on our plate today, you know, but we should leave that hook borrowing from Mikey in the report.

All right so now I have 8:28 here in Durban. And I wanted to mention something that did not make it to the folks on the bridge is that we will have to wrap up just a little early because we do have a different group coming in is it NTAG that will be coming into this room.

And now that we are an hour into our session we now have full functionality on our audiovisual capabilities so go ahead Marika.

Marika Konings: This is Marika. I'm not going to start off a call discussion here. But maybe something to share with you and get some feedback on this maybe something that staff can take back.

But as we have been meeting with GNSO and ccNSO council today trying my memory of discussions we've had with them on the, you know, change of registrant policy which was really I think very insightful. We learned a lot from them.

I think we actually when we initially did it actually went back to some of our working group members to try to figure out, you know, what they thought of

the process in place and I think they already identified that those members that work with ccTLDs as well identify some of the processes that they are using.

So I was just wondering looking at the next set of questions that we have ahead of us looking at the transfer (unintelligible) resolution policy is it worth doing a similar exercise speaking to some of the members that work a lot with ccTLDs to see what processes they actually have in place to deal with disputes if it, and, doesn't work for them does it - is it effective? Do they get large volumes or not? Do they have registrants using that process or is it only for registrars?

So that may actually give us some intelligence to start our deliberations from. So if that is helpful I can work with Lars maybe that we first maybe reach out to some of our members here.

I think last time I think we got a lot of input from Matt Serlin I believe (unintelligible) there's one of those registrars that works a lot with ccTLDs.

But I think there were some others. And you may have some suggestions of who we should reach out to from the registrar community to think about.

And as we get that feedback and then we can as a next step if we see indeed there are some ccTLDs that may have some useful experiences even directly reach out to those and see if they're willing to share, you know, have a look at their Web site to see what information is available there.

But just a suggestion (unintelligible) a discussion. And just want to see if the thing that would be useful or helpful as we move forward to the next part of our questions I think.

James Bladel: Okay thanks Marika. And I think that was something Lars did you post that to the list?

Lars Hoffman: This is Lars know just to UTF.

James Bladel: So I think that was a useful exercise for the previous IRTPC. And can certainly be something we can leverage again particularly with Matt and I think Voelker organization would also have some experience in there.

I think that probably falls under the heading of one of our other charter questions perhaps B or more just kind of an overarching A or B type of discussion where we look at the TDRP and say what changes need to be made?

Does it need to be made available to registrants and, you know, what can we do overall just to kind of assess the usefulness of it?

And I think finding equivalent comparisons in the CC space that might have some insights to be shared on that particularly if there's one out there that is in a CC that is popular and used and effective, you know, and all the things that we say TDRP is not.

You know, maybe we if we stumble upon one of those animals I think we definitely want to put that under the microscope and say why is this working for the generic equivalent is not? So Mikey.

Mikey O'Connor: Two things (Theo) has commented in the chat line reach out to DNEC second largest TLD in the world is linking.

But, you know, I think the one thing I'd add to all that is given that we're trying to run this on a pretty aggressive tight schedule if I were to pick which things you work on first I'd pick that.

And pick up the stuff they just assigned you in the last part of the conversation and reach out to compliance. I'd put that second in the list because that one is a lot less time critical. It's not in the critical path.

So as you walk out of here with action items I just sequence that one first because it would be really nice to get that feedback fairly quickly.

James Bladel: Yes. Thanks Mikey. That's a good point. We have to kind of prioritize the different things that we're piling on staff's plate if we're going to make some of these tight deadlines.

So okay - so I think a suggestion Marika. And certainly we don't know what's out there but we can ask. And then see what we can find shake the trees I guess is the - that's from a couple years ago.

Okay so where does that leave us now? We're at 8:33. We have to clear out of the room here in 12 minutes.

We've covered our agenda. And we've got a kind of a crowd that's just now starting to get casemated a little bit, and waking up, and getting punchy.

So what do we want to put on our discussion for the next ten or 12 minutes before we talk about confirming our next meeting with Gerry Hinkley. So the answer to that that's, you know, Marika go ahead.

Marika Konings: (Unintelligible) into one remaining item you have is to confirm the next meeting. I mean maybe it's - I don't know if anyone here had (unintelligible) on ccTLD because if we already of course get pointers it will be easier to find.

So I don't know if, you know, Voelker for example knows the DE they have something that he thinks well that may translate well in gTLD terms or whether there's nothing in place maybe that would at least I think help us or help Lars especially to start that process.

Mikey O'Connor: This is my key. I think another person to put on the list is (Michele). He certainly does a lot of cross CC stuff and you guys due to right? So...

(Graham Bunting):   This is (Graham).

Mikey O'Connor: He's back on.

(Graham Bunting):   We've got EPAC which does all of our ccTLDs and lots of them so we can reach out to them too.

Mikey O'Connor: You know, I think the - and this is Mikey again. I think the key deal is if you all could do that soon that would be really helpful.

(Graham Bunting):   (Unintelligible) is here so we can just wander over and find him.

Mikey O'Connor: That's the kind of soon I'm looking for.

(Graham Bunting):   Coming right up.

James Bladel: Okay. So maybe we can at least put that action item on the list. And I know that a couple folks are going to charge off and do that in advance of that.

But the folks that aren't in the room for example (Michele) is more of a passive monitor of this working group then an active participants so maybe we can and Matt Serlin as well so...

So going to the last agenda item the next meeting is scheduled for Monday, July 22 which at 10:00 AM Central Daylight Time is approximately 12 hours after my flight back from Durban lands in O'Hare.

So, you know, I think I, you know, if the group wants to have a meeting I will bite the bullet and have a meeting but I see a lot of headshaking on the table

that I think a lot of folks are still going to be recovering especially those who have to cross six, seven, eight time zones to get back to their home offices.

So do we want to just call it today and say we're not going to have a meeting? I think that's been our SOP for all the transfer working groups is we don't subject people to that.

Yes oh for all working groups okay so not just the transfers all working groups kind of take a little bit of a break when people are getting on or getting off airplanes for ICANN meetings.

So but future notes Lars for future working groups is that when building the work plan make sure you bracket the ICANN week with free days because it doesn't look like we get a lot of participation anyway.

I think we tried to have one before coming it was also very lightly...

Mikey O'Connor: It was real light. I would also point out the added a feature that we may have a strike on South African Airlines on Thursday which is going to be broadening that bracket just a little at least for a few of us.

James Bladel: Don't say that Mikey. Don't say that. I hope the star alliance gods come in and say no we'll kick you out of our club (unintelligible).

So okay so I think that the general sentiment very, you know, for those on the phone I'm getting a lot of what we'd call nonverbal body language when we suggested having a meeting on July 22.

So I don't know if that can be captured for the transcript purposes but let's just say that very strong reactions here in the room in terms of facial expressions.

So there will be no meeting then on July 22 and our next meeting will be on July 29 at 15:00 UTC.

Mikey O'Connor: (Unintelligible) thumbs up from Barbara and (Chad) as well. And she doesn't have to go anywhere.

James Bladel: I should say Barbara.

((Crosstalk))

James Bladel: So okay. So that brings us to essentially the end of our agenda. And a few minutes prior to so we'll just turn over to Mikey here to bring us in for a landing and...

Mikey O'Connor: Landing gear down. We're done.

James Bladel: And thank you everybody. Really appreciate everybody who - all the diehards who came out early this morning.

I know that, you know, last night was music night and tonight's gala night. And a lot of folks probably would be about 97 things people would rather be doing then coming here and talking about transfers so (unintelligible).

Mikey O'Connor: There's nothing, there's nothing I'd rather be doing.

James Bladel: So thanks everyone and thanks to those on the call who got up, you know, before dawn to participate as well Barbara and the other folks on the bridge. Thanks.

Barbara Knight: Thanks everyone (unintelligible).

Mikey O'Connor: See you Barbara.

Coordinator: Thank you for calling the digital replay service.

END