

**ICANN Singapore Meeting  
PEDNR  
TRANSCRIPTION  
Saturday 18 June 2011 at 14:00 local**

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Coordinator: Thank you. I'd like to inform all participants this call is being recorded and if you have any objections you may disconnect at this time. Thank you. You may begin.

Jeff Neuman: Okay. Thank you. We're going to get started on the post expiration domain name recovery PDP. This is Jeff Neuman speaking. I've kicked out our Frenchman. I've told him he's going to go home.

Thank you very much. With that let me turn it over to Alan to give a summary of the final report.

Alan Greenberg: Thank you Jeff. I'm going to speed over the parts that you have all heard seven times already. Thank you. As you know, the PDP was instituted two years ago following an issues report requested by the at large advisory committee.

After a great discussion within counsel the charter PDP was unanimously adopted with the charter that addressed five specific questions whether adequate opportunity exists for registrants to redeem their domain names, whether exploration related provisions and registration agreements are clear and conspicuous enough, whether adequate notice exists to alert registrants where additional measures should be implemented to indicate that once the name enters the auto renew grace period it has expired and whether the transfer should be allowed during the RGP.

I will point out that although we spent much time discussing what these items should be there was relatively little understanding of what they actually meant, which did add to some confusion along the way. We have published a number of reports including a proposed final report earlier this year. The work group meticulously went over the comments and made sure that we understood and addressed them all.

There is a document that is not part of the final report but is pointed to reviewing that analysis and how we responded to the public comments. Of all the criticisms that have been laid over at ICANN groups over the years that we ignore comments, I think we did a good job in this case. The work group believes that we are adding additional guarantees to registrants regarding renewal after expiration.

In fact not additional guarantees but we are putting in guarantees which were not in existence before. We looked strongly at education issues with the believe that we have to do our best to try to make sure registrants understand what they're getting into and I'll have a few more comments as we go along on that.

And all of the recommendations we made even when they are substantial changes in policy are not substantial changes in practice from what many registrars but not all have been doing all along. And I'm pleased to report that we have full consensus within the working groups on these particular outcomes. The first one is a relatively simple one.

We have defined a term, which is an unwieldy term but a term nonetheless, registered name holder at expiration. It was quite clear when we started talking about this discussion that it was unclear who was allowed to renew. We had some discussions with compliance and they basically said if there is nothing in the contract about renewal there are no rights.

And we understood that we better define the term carefully and we have done that. We have several recommendations on what happens at post expiration. The first one is that for a minimum but not a specific number but a minimum of eight days after expiration the name shall be renewable. The Web site during that eight days must if there is a Web site - sorry, I'll back up.

The domain for that eight day period must not function as it did originally and if there is a Web site that a registrar has put in to intercept traffic it must explicitly say that the domain has expired and what the registrant must do to renew it. And the registrar cannot take action which will prevent a registrant from renewing simply by changing Whois information or similar things.

By the way, I have full slides on all of the recommendations if we want to go into any one of them in more depth. We can do that. There are a number of recommendations requiring disclosure of certain things by the registrant, by the registrar and requirements on notifications. The first one is that the fees charged for renewal must be posted.

The EDDP policy enacted several years ago specified a similar thing about the RGP renewal fee or recovery fee but did not mention anything about regular renewal. This fills that gap. There must be a clear indication of how the registrar will notify people. It's fine to say registrant should make sure to listen to notices that are sent.

But typically a registrar will not prior to those notices being sent say how the notices will be sent. Are they email, are they telephone calls? If they're email, to what address? And registrars will have to disclose that according to this policy. The current RAA implies two notices prior to expiration are required. But it's done in a rather backhanded way.

This policy says it must be explicit and at specific times in which those recommendation notifications should be sent. And the notification must be ways that are what we normally call push technology. They cannot all be pull

technology. So the registrant should not have to explicitly do something they don't normally do to find out or to read the notice.

That's specifically aimed at notifications that are sent only in the registrar's domain management system. That is, if you don't log on, you don't see the notice. And we are recommending a number of best practices that talk about how and where those notifications go.

Currently if you have a domain blog.org and if your email contract addresses are user@blog.org if the registrar has stopped the domain from working as most registrars do, a notice sent to that email address is known to not be able to be delivered because the registrar has taken exclusive action. And yet there is no cognizance of that.

So registrars will regularly send out notices, which if one thinks about it, they know they cannot be delivered. We are suggesting that they take a number of actions to try to prevent that. The RGP, the redemption grace period which is currently implemented by most but not all of the sponsored of the unsponsored gTLDs and is not required within the new gTLD process.

We are recommending that all registries accept the sponsored registries, the existing sponsored ones, must implement the gTLD redemption grade period. The impact on existing gTLDs only applies to DotName. All the others currently have the policy service in place although they're not required to continue it forever.

And it of course adds to the requirements for all new gTLDs. And we are saying that all registrars must offer the RGP if they're working with a registry that services it. So we should never be in a position where a name has been deleted is in the one month RGP period but cannot be redeemed because the registrar won't do it.

And we have a recommendation that ICANN with the assistance of a number of other parties must develop a variety of educational materials and that when they are developed registrars must point to them and optionally perhaps adapt that material for their own specific situation.

And lastly, there is a requirement that ICANN compliance in line with what we have done with other PDPs recently be in a position where ICANN, not necessarily compliance, monitor the situation and report back to counsel so that we get some idea of whether what we have done is successful, whether it needs to be fine tuned or whatever although I'll point out we don't have a process for that fine tuning if we decide it's necessary. But we'll ignore that for the moment.

A number of members of the working group have indicated they will likely be available to work with ICANN staff in implementing the recommended policies and recommended processes. This is in line with the recommendation of the PDP work team that there be involvement from the original development/implementation process to make sure that there are - that the intent of the policy is implemented if the wording was not sufficiently clear in the actual documents.

And I have one more comment, which is not in a slide and this PDP has been going on for two years. As acting chair as I'll point out - I never was actually made chair of this group but I pretended. It has been a challenge. Various people came into this and groups came into this PDP with very different positions.

And we came close to dissolving a number of times and going back to council and throwing up our hands and saying we don't think we can come to closure on this. We ended up coming to closure. Either everyone is sufficiently happy with the recommendations or we're all sufficiently unhappy that we have come to consensus that this is a reasonably outcome.

And I would personally as the person who has been seeing this through like to thank the people who worked on the working group almost religiously. A number of them are in this room. I won't embarrass people by naming them but they know who they are and I can tell anyone else who cares that a number of registrars and a number of people from the user community have worked diligently on this and for that I am extremely grateful and I thank you personally. Questions.

Jeff Neuman: Okay. So on this item there was just to recap; there was a motion that was sent around the council list. That has been subsequently withdrawn or it was never officially made. But so it was made, it was withdrawn?

Stephan Van Gelder: Just to clarify that if I may.

Jeff Neuman: Yes.

Stephan Van Gelder: I made a motion just to try and get this on our agenda because the deadlines were so short between our previous meeting and this one. We have when I made the motion I was obviously involved in discussions with both Tim as liaison to the group and Alan.

They both felt it was premature to make the motion then so I have withdrawn it and we are all still working on it now. There is some behind the scenes work going on to fine tune the motion and make sure we present something that is good next time we present it.

Jeff Neuman: To be candid Stephan, I read your statement saying you were prepared to make the motion if Tim doesn't but I didn't think you actually made it in that email. There was some question but regardless it clearly wasn't made and seconded in sufficient time.

There was at least one error in fact in the recommendation and a few other things that some of us felt uncomfortable with. I think we're going to come to

closure on it before the end of the day. I don't think there was any real intent to vote on this recommendation at this meeting given that their final report was only published a few days before all of us got on planes.

We certainly didn't make the publication deadline for discussing it at the meeting formally for public discussions. So withdrawing the motion at this point may well delay it for another three weeks and one council meeting. But I think in the interest of making sure that everyone believes the final outcome goes along with what the working group intended I think that was a reasonable choice.

Alan Greenberg: If we could actually - you said it might be worked out by the end of the day? If we could have it before constituency stakeholder group day that would be a really good thing because I think this is going to be the best opportunity for all of us to discuss it as a group.

So that would go a long way even if we're not addressing it as a council this meeting that would just help.

Jeff Neuman: The only issue was - I can summarize it very quickly. The way the recommendation was worded if you go back and look at it, the motion was worded as it was forwarding some of the recommendations to the board but not others.

And in light of the registrar statement in the comment period that the recommendations be treated as a group by the GNSO, I felt strongly that they should also be treated as a group by the board and that they should all be passed on with no subtle differences between them. And we're trying to come up with wording that will address that

At the same time we recognize that the wording in the motions and our recommendations were slightly inconsistent in that some of them were worded as the working group recommends and others were just what the

recommendation was. The recommendations that are worded the working group recommends become awkward because how do you pass that on the board?

Is it the working group recommending but not the GNSO? So we have a couple of rough edges to fix up but I don't think there is any major dispute which will stop us from coming to closure soon.

Alan Greenberg: We may have to issue a slightly modified report that cleans up the language. But other than that.

Jeff Neuman: Okay. Let me take the queue. I have Wolf. Is there anyone else? All right. I'll put myself in after Wolf.

Wolf-Ulrich Knoen: Thank you. Just a quick question to the last point. I'm a little confused. What is it working group is going to recommend to the council? Because I understood maybe there is a difference between what you are recommending and what is in some (unintelligible).

So I was not clear from your last words what is coming out with regards to recommendation. You were talking about some recommendations are recommended, others not or so I'm a little confused, sorry.

Alan Greenberg: The report has 18 recommendations. They are all recommendations. The wording of some of them used the expression the working group recommends in the text of the recommendation, others didn't. That just made the language a little bit difficult to adapt into the motion that we pass onto the board.

It's semantic only. There is no issue of what we're recommending. We are recommending 18 recommendations. We are recommending they be treated as a group and it's only a matter of semantics at this point.



Jeff Neuman: Okay. And just to - I'll just do my comment and then I'll go to (Carlos). Just so we know, this is when we do vote on this this is all going to be voted as capital C, capital P, consensus policies.

That is the intent, right? So we'll keep that - well, these are for changes to contracts or no?

Alan Greenberg: Some of the recommendations will be capital C, capital B, consensus policy. Other ones are not. The working group is saying we are treating the whole group as part of an overall package. Some of the recommendations I think 13 of the 16 will result in consensus policy, which we'll adapt contracts. And the others are part of the PDP outcome, which will not yield consensus policy but are nonetheless what we believe as important parts of the overall structure.

Jeff Neuman: Okay. On that point Marika and then I've got to go to (Carlos).

Marika Konings: For those of you that are interested in the breakdown and the specific recommendations that relate to consensus policies and other issues, if you look at the background briefing that I shared with the council just before I think everyone was getting on planes.

There I tried to break it down into different categories of recommendations and also indicating the number of the recommendations that relate to each specific category if that helps.

Jeff Neuman: Yes. Thanks. I think just when we do vote on it we're just going to track it in that kind of way so we know if there is a GNSO super majority or not.

Marika Konings: Right. But it was actually something that happens as well when it goes to the board because initially one of the issues we had with the motion when I drafted it, my mistake, I put down these are consensus policy recommendations, these are other recommendations. But we have been told as well by our advisor (unintelligible) that actually we shouldn't display that

out because whether it's a consensus policy or not is determined by what is in the contract and what is their voting threshold.

So actually we don't need to spell it out in the motion. It becomes clear once the motion has been adopted which voting threshold achieves and then an assessment is made whether that fits within the contract.

Alan Greenberg: We're told the new gTLD policy that the council adopted is not a consensus policy but it was a recommendation that went to the board.

Jeff Neuman: Okay. (Carlos).

(Carlos): Thank you Jeff. One question - Alan, when the working group started their recommendations or made their recommendations are thinking also in some form to implementation of these recommendations or not?

Alan Greenberg: We spent an immense amount of time and discussion on implementation in that some of us anyway were very leery of a recommendation which might require a huge amount of work and result in very minimal payback.

So yes, we did focus on implementation. In some cases we actually talked about what the implementation would be. Other ones we simply wanted to satisfy ourselves that it was something that was reasonable. There were recommendations. There was one recommendation that all of us registrars and users unanimously agreed was very important and we didn't make because the implementation was such that we just didn't feel comfortable imposing it at this time although we do suggest in the report that it be looked at some time in the future. So yes, implementation was considered to a great extent.

(Carlos): The question is was because the second question is how you planned to be implemented the recommendation to improve education and comprehension of the registrants?

Alan Greenberg: Let me skip to it. Do you remember the number? Oops. What did I do? Okay. Let me talk while Marika is scrolling. How we plan to do it is both the registrars and the user community have some strong feelings about what kinds of things should be included.

As a matter of fact, at large and the registrars are talking privately about doing some very similar things that overlap with this. Let's be honest, we all agree that many registrants don't really understand what they're getting themselves into when they click on something and acquire a domain name. We also understand that no matter what you put you're not going to guarantee that they do understand.

People are used to ticking off yes I read it and agreed without reading it and without agreeing or without understanding. On the other hand, if ICANN does not at least attempt to provide that information in an unbiased and clear way we're not doing our job in trying to help the registrants that we know are out there and don't understand what they're getting into.

It's not solely ICANN's responsibility but I think ICANN cannot walk away from that completely and that was the target here. We have to at least try to put things out in a clear, unbiased way so that registrants have a chance of understanding.

Jeff Neuman: Okay. Thanks Alan. Any other questions? Marilyn, yes.

Marilyn Cade: Could I just ask you or can I just comment on what you just said? I actually think it is ICANN's responsibility to have clear, understandable communication materials.

So I didn't quite understand your point. Maybe I misunderstood it because I would say that this is a really important part of what needs to be done. And I would have thought we were trying to convey it is ICANN's responsibility.

Alan Greenberg: Well, to be short, if this recommendation is adopted by the GNSO and then the board it is ICANN's responsibility. Before that, I believe it's ICANN's moral responsibility but those don't have a lot of impact necessarily.

Jeff Neuman: Okay. We can end the session on that. We're going to immediately go into the next session but first I have to start the recording and then start the new one. So operator, could you stop the recording on this session while we...?

END