ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG F2F meeting – Part 1
Friday 10 October 2014

Note: The following is the output of transcribing from an audio recording of Privacy and Proxy Services
Accreditation Issues PDP WG F2F meeting on the Friday 10 October 2014. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or
transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not
be treated as an authoritative record.
On page:
http://gnso.icann.org/calendar/#oct

Don Blumenthal: All right. I think we're ready to get started here. I was hoping one of the real advantages to a session like this is people recognize each other. I wish we had more people here but I know some are - at least one just got to the airport about 8:30. So we'll - I'm sure we'll have stragglers coming in.

For those I haven't met, I'm - if you don't recognize the voice by now, I'm Don Blumenthal. For the most part I'm not going to be playing Chair today, which may be good, bad or indifferent because I'm going to get involved in discussions. David and Thomas will be leading the program.

And event, is this recording set (Glen)? Okay. Get started?

(Glen): (Yes).

Don Blumenthal: All right. So now we're officially on the record. This is a closed meeting. But it's in every other sense run like our - well, this is a face-to-face working

group meeting, which means everything's recorded. There'll be a transcript but it's closed.

Why don't we start off with going around the room so at least we can get some idea of who's here and what we all look like? Just mention who you are, who you're with, constituency you're representing. We'll go around and then get started.

James Bladel: Hi. I'm James Bladel. I'm with GoDaddy and we are a registrar.

Steve Metalitz: Steve Metalitz representing the Coalition for Online Accountability, which is a member of the Intellectual Property Constituency.

David Hughes: David Hughes, Recording Industry Association of America. I represent my members who are a major recording music company. I'm sorry.

Kristina Rosette: That's okay. Kristina Rosette, IPC.

Paul McGrady: Paul McGrady, IPC.

(Dorothy Falco): (Dorothy Falco), Endurance International. We operate registrars (Directi ondemand.com).

Alex Deacon: Alex Deacon with the Motion Picture Association of America. I'm a member of IPC.

Vicky Sheckler: Vicky Sheckler with recording industry, IPC.

Graeme Buntin: Graeme Buntin. I'm from (Tucows). We're a registrar. Also with Steve is - I'm co-Vice Chair of the working group.

Michele Neylon: Michele Neylon, Blacknight, Chair of the Registrar Stakeholder Group. Unless you want more info. No? Okay.

Thomas Rickert: My name is Thomas Rickert. And I've asked - I've been asked to facilitate the session. I'm a Councilor with the GNSO Council and I'm in the Council as a NonCom appointee.

Man: David.

David Marvin: My name is David Marvin and I represent Incite Learning and I'm here as an outside facilitator for this - today's meeting.

Holly Raiche: Holly Raiche with ALAC and representing the Internet side of Australia.

Osvaldo Novoa: Osvaldo Novoa, Internet Service Providers Constituency.

David Cake: David Cake from Electronic Frontiers Australia and a member of the Non-Commercial Users Constituency.

Phil Corwin: Phil Corwin. I'm a member of the Business Constituency. I want to try to represent the Internet Commerce Association.

Marika Konings: Marika Konings, ICANN staff.

Mary Wong: And Mary Wong, ICANN staff.

Don Blumenthal: And we have the people online, Adobe.

Chris Pelling: Chris Pelling, registrar from the U.K. (unintelligible).

(Pete Coopersmith):   (Pete Coopersmith), (unintelligible) industry (unintelligible), IPC member.

Todd Williams: Todd Williams, IPC.

Marika Konings: Yes. This is Marika. I see also that we have in Adobe Connect Frank Michlick and (Suzanne Prosser) and Val Sherman. I think there are some issues with the audio that we're looking into. So they may not be on the phone - on the audio bridge at the moment and unable to speak back. But they are also in the Adobe Connect room.

Don Blumenthal: Okay. We'll give somebody a quick chance to introduce herself because she just walked in.

((Crosstalk))

Kathy Kleinman: Okay. Apologies for being late. I'm just in from a 6:30 flight from Phoenix where I was at the Great Hopper Conference on Women in Computing. Eight thousand young women studying bachelors, masters' degrees, PhDs. So think we've got some technology policy people coming behind us, which is good to know.

Don Blumenthal: Would you introduce yourself and...

Kathy Kleinman: You want my name too?

Don Blumenthal: For the record.

Kathy Kleinman: Kathy Kleinman with Non-Commercial Stakeholders Group. Thanks.

Don Blumenthal: I'll just mention because I'm - unless he shows - Brett Fausett shows up later, I'm with Public Interest Registry and I'll the lone registry person here at least for now. And at that point I'll just get out of the way.

I'm sorry. Before we begin, is three an - is there an Adobe link that we should be aware of for the...

((Crosstalk))

Woman: Yes. The normal one.

Don Blumenthal: Okay.

Woman: The one with the remote participation detail.

Don Blumenthal: Thank you.

David Marvin: So in terms of the agenda, what we're going to focus on is for the - it's initially
to just talk about some group agreements and collaborative behaviors that
will help us with this meeting here face-to-face. My understanding is that you
haven't had very many face-to-face opportunities. And so we wanted to just
talk about that.

And then the three discussion topics are transfer issues, relay issues and the
disclosure of publication issues. And then later this afternoon the
presentations and question and answer period about the possible
accreditation models that will take place I think around 4:30, excuse me,
about 3:30.

And then before we wrap up for the day we'll - we have about a half hour set
aside for any other topics that come out of today's discussion. So that's kind
of where we're going today.

My role is really just to serve as a neutral facilitator. So Thomas has content
expertise. He'll be helping as well. But my role is really just to help the
mechanics of the meeting and help structure the meeting so that you can
have a productive work session today.

Wanted to just encourage you throughout the day to - one of the things we'll
do at the end of the day is just take a few minutes to do some evaluation of
the meeting. And what we want you to be thinking about is this face-to-face

format something that you think is helpful. So in Marrakech there will workgroup meetings, perhaps this session or perhaps another group.

But what we want to do is get your input at the end of the day to see if you felt like the addition of a face-to-face session whether it's a day, whether it's a couple of days how you feel like that works compared to the weekly calls that you've been participating in.

And then also what is it like to have facilitation during the session? And is that helpful or not. So as you - as we go through the meeting, just think about those things and maybe be prepared to share your thoughts at the end of the day. Do you want to jump in and talk about...

Thomas Rickert: Do you want to talk about what to cover today? Yeah.

David Marvin: Should we do that now?

Thomas Rickert: (Sure).

David Marvin: Okay. So what I wanted to do is ask you given that we want to - we're going to be working together today, what are the kinds of things - if we took - if we want to identify some operating agreements that would be useful for us to be able to work effectively together based on you experience, what are some things you'd like to commit to that would help us have a productive meeting?

And so when I talk about that it's like how are we going to - how are we going to talk together? What are the things that we can do behaviorally that will help us have a productive meeting today? This is the audience participation part of the program. Yes.

Michele Neylon: Are you going to hand us weapons later so that we can kind of, you know, just sort it all out in the middle of the floor, lock the door? I'm thinking, you know, pitchforks.

David Marvin: Yes. We probably won't be handing out pitchforks. I brought no pitchforks.

Man: (Unintelligible).

Man: I think (that'd be) torture, you know.

David Marvin: So what kinds of ideas - what kind of agreements? Yes.

Man: Just having done similar groups many times in the past and we've had a long series of calls. I have not been on all of them but most of them I think. My concern is that we start down the agenda that we spent the whole day revisiting things that we've already discussed.

And I think as a facilitator that's something that I would ask you to be very aware of. That we have a limited time and let's try to push forward rather than revisit.

David Marvin: Okay. That makes a lot of sense. So that's part of my role is to make sure that we don't revisit what we've already covered. What else? What else would help us have a productive day? Vibrate. And then if you do need to take a call that you just step out into the lobby. Is that reasonable? Okay.

Michele Neylon: I think we'd already discussed this on the mailing list prior to the meeting anyway. So I mean - I don't know. I'm not sure why we're discussing it again.

David Marvin: You had discussed it.

Michele Neylon: Yes.

David Marvin: Oh.

Michele Neylon: There's certain people have put forward sort - rather extreme proposals that some of us rejected flat out for a variety of different reasons. I think we had reached a general consensus for the things like if people leaving their phones on, they put them on silent, which I think if you're in a meeting of any kind is perfectly reasonable.

And several of us clearly stated if you ask us to disconnect ourselves from the world completely, we wouldn't turn up, so. Because ultimately being pretty blunt about it, ICANN doesn't pay my wages.

David Marvin: Sure. Sure. So I think what we're just trying to do is get as focused participation as possible. Anything else? James.

James Bladel: Well the conversation's already passed by my comment. I was just going to just suggest movie theater rules, vibrate, step outside if you need to but I think that, you know, I could work as far as asking folks to shutdown. But I think that the breaks would have to be so lengthy and frequent to allow for catch up that it almost is - it's better just to press forward.

David Marvin: Okay. Okay. Yes.

Kathy Kleinman: I actually have a question but it's not - first movie theater rules in what country? There are different...

James Bladel: That would be in the Midwest of the U.S. where everyone is nice and polite. No on throws anything at the screen.

Kathy Kleinman: Okay. Okay. Just...

((Crosstalk))

Michele Neylon: You can tell that Kathy's a lawyer. You can tell.

Kathy Kleinman: Thank you. And the other question and it's only tangentially related is I know there are people in another meeting who want to join us for some of the sections. Do we know what time - do we have an estimated time for the topics? And if I missed it, you know, particularly topics two and three when we think we'll be starting them. Do we - have we worked that out or...

David Marvin: Marika, you want...

Kathy Kleinman: ...(unintelligible).

David Marvin: ...to address that?

Marika Konings: Yes. This is Marika. We have the agendas up in the Adobe Connect. So basically the idea is that from 10:00 to 11:15 it would be the transfer issues discussion; from 11:30 to 12:45 would be relay; and from 2:00 to 3:15 a review.

Kathy Kleinman: Thank you. So I'm opening my screen now.

Marika Konings: Kathy, but there's a question. It's members of this working group that will be joining you mean.

Kathy Kleinman: Yes.

Marika Konings: Yes. Okay.

David Marvin: The other thing I will mention is let's avoid side conversations. They can be really distracting to people who aren't involved. Okay. Anything else that you want to mention? Yes. Michele.

Michele Neylon: Yes. Sorry. Kristina and I won't be here this afternoon after lunch, as we have to go off and discuss different things with the rest of the leadership of the SOs/ACs and ICANN execs.

David Marvin: Okay. Thank you. Anything else anybody wants to add? Yes.

Kathy Kleinman: And that's - under that circumstance should we flip two and three? Should we flip two and three? Reveal and relay.

Man: One and three?

Kathy Kleinman: Yes.

Man: Do transfer issues last.

Man: Mic. Microphone.

Man: Sorry. I was just saying I think I was hearing that request that we do three in the afternoon. Am I wrong?

David Marvin: All right (unintelligible), excuse me. Marika.

Marika Konings: Yes. This is Marika. I think we have several people that are either, you know, coming later or having to leave earlier. So I think, you know, whether we switch it around or not, there will always be people that may not be able to make certain sections.

                  So again, it's up to the group how you want to organize it but I think at any point we'll probably have to lose some members because there are other commitments or people that are coming in late.

                  But I think as well and I think it probably has already been said before and as well of course anything coming out of this meeting, you know, any kind of preliminary conclusions or agreements will go out back to the list to make sure that everyone that's not here or not able to participate has an opportunity to review and provide input.

I think hopefully that will reassure people as well that may not be able to take part in certain conversations. That nothing will get decided here as a final kind of thing at all.

Steve Metalitz: Steve Metalitz speaking. This just may be obvious to everyone but just because we have this agenda doesn't mean we have to spend this amount of time on each topic. So if we are able to wrap up - if we stuck with this and are able to wrap up transfers earlier and get to Items 2 and 3, then we should do that.

David Marvin: In additional phones, could you put your PCs on mute. So there are different alerts. Don't keep tripping out. So is everybody okay if we keep the agenda as is? Okay. Great.

So I wanted to just share some best practices with you for face-to-face meetings. And this comes from the collaboration literature. So several things to think about. To the extent that you can to be present, we've already talked about that.

We would ask that you really listen to each other to at least in the beginning to understand what other people have to say versus deciding whether you agree with them or not. And that you take the time to really be open to what other people have to say using curiosity to really try to flesh out what someone's perspective is.

One of the things in terms of asserting that I would ask that you're clear, concise and compelling. And with your permission I'd like to be able to manage the conversation so that if any of us - are you going on mute? Great.

I don't know if it happens in this meeting but sometimes people feel the need to make the same point several times in one time when they're speaking. And

so with your permission what I'd like to do is try to encourage you to be as concise as possible.

And we're assuming that you're - what you're really trying to do is work to satisfy as many interests within the group as possible. And that each of you will manage your emotions and your need for control in the meeting. And that - well you...

Michele Neylon: (The reason) I can't take one of the IPC members out the back and beat them to a pulp. Is that what you're saying?

David Marvin: I'm not sure that I have the...

James Bladel: Was that a question about whether or not you're capable of doing it or whether or not you're (unintelligible).

Michele Neylon: See, this is the thing. This is what I have to deal with. See, now we're going to have like a kind of a challenge to see whether I could actually follow through or not. You see.

David Marvin: Great.

((Crosstalk))

Michele Neylon: That's okay. That's okay. That's okay.

David Marvin: Two different questions.

James Bladel: But if the rest of us enjoy this spectacle then I think we're moving towards consensus. Except for the two that are involved. They can file a minority report from the hospital. So.

((Crosstalk))

Michele Neylon: ...really good travel insurance.

David Marvin: For your ease, the doors here open to the outside. So we deliberately - somehow I think we're back at the pitchforks. All right.

James Bladel: On a serious note...

David Marvin: Yes.

James Bladel: ...I don't think that - and I'm basing this - I know I missed a couple of calls recently. But I think my attendance record is probably I don't know, B minus. But I don't think this group actually does the making the same point over and over for the same person. But what we do sometimes is we all kind of pile on when we see an issue that we're very - feel very passionate about.

So if it's something that peaks the interest of the - you know, if we're property folks, then we'll - that would, you know, the queue will fill up to hit the same point and then the same is true I think on the provider side as well. So maybe if we can - maybe if we can modify that advice to be minimizing the me too comments.

Man: Plus one.

James Bladel: Or the plus one - or just say plus one as a shorthand and then move on or something. I think that might be a better use of our time.

David Marvin: Okay. Great. So Thomas, I'm going to hand it to you.

Thomas Rickert: Thanks David. And welcome again. As you know, this is a pilot project. So you are the fortunate group to get ICANN support for this face-to-face meeting. And at the end of the day we're going to have a short evaluation of

the day. And depending on the outcome of that, we will - ICANN will make a determination on what needs to improve, what works and what doesn't work.

So I think that we should really take advantage of this. It's a unique opportunity to have people in the room to make progress. And the question that I had when I was preparing for this is that number one, I think this group has achieved an awful lot.

It's an extremely challenging and complex topic that you're dealing with. And I think that you made great progress. I think in order to make this a worthwhile exercise for everybody to spend time on, it would be good for the group to have a tangible work product in the foreseeable future, which would be the initial report to put out to the community.

And I think it is no negative thing at all to say that you don't have the solution or no consensus position on certain aspects of what you're working on. So I think if we do have diverting views on certain topics, we should spell them out.

We should say well this is where - this amongst all of the options that there are, this is the subset of options that's still on the table and we would like to get community feedback on what the thinking of the community is with respect to these points.

So I think that nobody should be afraid of having or speaking up to certain positions and say that or make new proposals. As we heard earlier, nothing that comes out of this meeting today will be linked to a specific group as having their full support.

Everything's going back to the full group for their review and you will have the opportunity to discuss with your respective groups. But I think it would be great to narrow down options and maybe come up with at least one or two

alternatives for each of the points that we're discussing to then put them into the initial report and get that out by the end - before the end of the day.

And I think that there's enough momentum to maybe get that done. You have picked and prioritized some of the topics that you would like to discuss today. And the first one is the transfer issue. And we've reached out to James to maybe give a short overview of the work that's been done so far.

Understand James that we're discussing three different areas there, which is - you will all have seen the report that has been produced be the subgroup. Maybe you can give us a very, very brief overview of what your findings were. I guess it was more an accumulation of the status quo. And then - so that we can briefly go through them and discuss them.

James Bladel: Thanks Thomas. Actually Kathy I think wanted to kick this one off who was with me on the sub teams. So I'll turn it over to Kathy and then I'll probably jump in after.

Kristina Rosette: Before we start, this is Kristina. I just wanted to note that it doesn't look as if the slides that we're seeing in here are matching what's up in Adobe.

Marika Konings: This is Marika. You can actually move the slides yourself because someone asked to be able to zoom in. So we've just released them so you can follow along yourself.

Man: Thanks.

Kathy Kleinman: So James will follow up with most of the technical details. But the overall issue was on transferring the domain name that was proxied. How do we keep it behind a proxy? Can it go from one proxy service to another proxy service, one registrar to another registrar?

And it turns out that that's more difficult than it sounds and may need some tweaks or revisions to the rules, you know, to different kinds of - perhaps something in the RAA. There's some language that seems to block it a bit. And - but the concepts seem to make sense.

And the concepts seem to have support, which is right now on the transfer apparently most domain names come and are just - the information and we now use the word publication is revealed via publication in the Whois. And, you know, can somebody have the right to transfer between registrars, pick their registrars and again keep that privacy or proxied process in place?

James Bladel: So going back to the slide, I think that we did discuss this issue. And can I just set the stage that while relay and reveal and publication and cancellation and all these topics I think generate the most interest that that's probably going to affect a couple of decimal points of the install base of privacy proxy services.

Every privacy proxy service customer will encounter a transfer or a renewal or a Whois reminder, policy or any of the other ICANN consensus policies. So these may not be the sexy topics of this working group but they are the ones that are going to be most frequently encountered in the wild and have the potential to generate the most confusion.

So I think that we should as a group not be remiss in our responsibilities to examine them comprehensively and make sure that we're giving them a thorough treatment to them.

I think that part of what Kathy and I were discussing on the working group -- I'm testing my memory now because it's going back quite a ways -- is that right now registrars do not trust each other's privacy services or have no reason to do so for a number of reasons.

I think primarily because they don't have any visibility into the - who is providing the authorization for the transfer on the backend. I think that's the - an important consideration.

They don't have the ability to - particularly in a thin registry like com and net they don't have the ability to validate the Whois information that they're being provided by any kind of external third party. So it's really kind of a he said she said environment and you're just supposed to take it on face value.

So the status quo for the most part is for all providers -- and I'm looking at some rather registrar colleagues who have affiliated privacy services -- the status quo is for a privacy service to reject transfer requests. Period.

And the only way to facilitate a transfer request is to cancel the privacy service, publish your contact data in Whois, as Kathy mentioned, and then proceed with the transfer process.

And that is less than ideal for users of this service because they wanted privacy for the first place. It should not be a set of handcuffs that locks them to a provider.

Phil Corwin: Now just kind of - would a goal then for this group if we can reach agreement on accreditation standards be to have those standards sufficiently robust to provide that trust that's absent at the present time?

James Bladel: I think that is a goal Phil. I think that if we can get to an accreditation framework where accredited Provider A and accredited Provider B have a mechanism by which they can exchange for example a hash, you know, between them so that they say like the email or the contact information is still protected but I am verifying that you and I are working from the same dataset.

Then we can, you know, I'm just throwing that out there as one possible example to get around this problem. Because then it becomes like a double

blind and then everyone agrees that they're holding the same cards and then the transfer can proceed because the authorization is believed to be valid.

Paul McGrady: I have two things. One, I'd like to understand better the language and the RAA that's the hindrance because I'd like to understand if it's an industry norm that's the only hindrance or if there really is something - I mean I shouldn't say it that way. There very well could be something in the RAA. I just don't know what it is that would prohibit that. And so that would be helpful.

And then the second thing is are we talking about the same ability to transfer freely - I understand one scenario where there's no dispute regarding the domain name but would we have the same standard if for example, you know, someone had written in complaining or seeking information about the registrant or that kind of thing because what I don't want it to see is sort of a perpetual cyber flight situation where we're just chasing it from registrar to registrar.

And so I think maybe that's two different scenarios and we should look at two different standards for that. But in principle, you know, I agree that it would make sense to provide some mechanism for the transfer without having to reveal but with the caveats that we need to make sure that if we're doing enforcement we're able to do that. So...

James Bladel: Can I address one of your questions first? Is the cyber flight or domain laundering or whatever you want to call the practice, we have actually I think some good mechanisms in place to stop that now. First is that the - any kind of a dispute that's filed or a UDRP will lock a name in place. Doesn't matter who the registrant is if it's a privacy service or a natural just, you know, the person's actual contact information.

Once that (unintelligible). So I guess it's still a possibility if the dispute is pending or hasn't been filed yet but once, you know, once that goes through everything's frozen in place. Yes.

Paul McGrady: But not every kind of possible dispute would ultimately result in the UDRP nor would a UDRP be a particularly economically efficient mechanism to keep a domain name that is behind the privacy screen from being able to be transferred to a different registrar behind a different privacy screen if there is a dispute. Does that make sense? So I understand...

James Bladel: What kind - I guess I'm not following. What kind of dispute - sort of...

Paul McGrady: So law - and I don't want to speak for law enforcement because they're capable of speaking for themselves. Law enforcement writes in, asks for contact information, registrant figures out that they're under investigation for whatever crime. They move from Registrar A to Registrar B to Registrar C to Registrar D to Registrar E to Registrar F.

There's no UDRP mechanism to lock it down. I understand the status quo components of Paragraph 7 of the UDRP, right, locking it down. But that's for the UDRP. Right.

So I'm talking about transfers where there has been a request for information or a request for reveal or even relay that we have some mechanisms to make sure that the domain name doesn't move from place to place.

James Bladel: So I think the - I actually think we should probably spend some more time on that. I have a number of concerns about that approach. Because I think what it could do is essentially saying I'm filing a complaint. I can lock someone with a registrar that may have already wanted to transfer.

I can possibly - I'm looking at Phil now. I can possibly disrupt a transaction that may be occurring between two companies or two firms by filing a complaint.

So I guess unless it's a formal dispute, I think anything short of that we'd have to think very hard of whether we would want to freeze a domain in place.

Paul McGrady: Why don't we borrow a concept from ICANN land on new registrations, which are locked down at a registrar for a certain number of days? Maybe they can transfer it but there can only be one or two transfers per a 60-day window or some mechanism by which to keep it...

Michele Neylon: Sorry. This is (cutting across) - this has already been changed in an update to the IRTP. You're - what you're actually asking for is already in the latest update to the IRTP.

James Bladel: Not - I'm sorry. Not exactly what he's asking for.

Michele Neylon: But it's never - a lot of what he's talking about is covered because previously the issue was - it could have been that a domain could have jumped from one registrar to the other. But since - I can't remember which one it was, as a B or a C because I get confused.

The language around the 60-day thing changed so that a registrar can deny - if I move a domain from GoDaddy to (Tucows), that domain has to stay with (Tucows) for 60 days.

James Bladel: Does not have to. (Tucows) has the option. Every registrar...

Michele Neylon: We - yeah. The thing is...

James Bladel: ...has the option. The bad guys know which registrars don't follow that.

((Crosstalk))

Woman: Can I just remind everyone to state their names before they speak both for the transcript as well as the participants because they're having challenges keeping up with whom is speaking. Thank you.

Thomas Rickert: Sorry. I'd like to get back to the queue. Looking at the document that Kathy and James have produced, we have three headings. And I think it would make sense for us to discuss along these.

The first one is the impact on the WDRP. You know, do we want to keep all the notices. And then in the second section of the document, it is - we have to talk about transfers from non-privacy to non-privacy, non-privacy to privacy, you know, the various scenarios.

And I think that the topic that you're bringing up might fit in there. I have Krista, sorry, Kristina in the queue.

Kristina Rosette: Just a couple points. (Unintelligible) to what Phil said about (unintelligible) model solved some of the problems. I completely agree with the concerns that Paul was making.

And I guess the question I had, and this is really more for staff, and I apologize for not keeping up on it. But to the extent that some of these issues are raised by the fact that there is still thin Whois with regard to some of, you know, with com and net, what's the kind of implementation status of the policy recommendation that those TLDs have to move to thick Whois?

I guess where I'm ultimately going with this is that I want to make sure that generally and obviously specifically here that we're solving the problem that we have and that there are developments underway that would perhaps change the problem we're trying to solve that we're cognizant about.

Thomas Rickert: Marika or Mary, would you like to step in?

Marika Konings: Yes. This is Marika. On (thick) Whois that is actively in implementation. Implementation Review Team is meeting as well at this meeting. So that is in progress. But, as you know, it's quite a big project. So I don't remember by the top of my head what that timeline is but I think it goes into, you know, in 2015 and 2016 if I'm not mistaken. But I'll look it up in the meantime and I can put into chat what the target date is for implementation effective date.

Kristina Rosette: All right. And I guess then the follow - to James and Kathy in particular as they've taken the lead on this is to what extent that change is going to affect some of the need that you all have flagged.

Thomas Rickert: Okay. I'd pretty much like to capture some of the interim results because I saw a lot of nodding when we were discussing certain things. So I guess the first item is that there should be no special treatment for domains that are using privacy or proxy services when it comes to mandatory ICANN notices. Right.

So the renew notices - I saw a lot of nodding there. So is that something that we can maybe keep as a...

Graeme Buntin: Not necessary. This is Graeme for the transcript over here. Hi. I think we agree generally to that around this issue but also within relay as well. That consensus policy mandatory notices were uniformly agreed by this working group that privacy and proxy service providers had to send those on unless I'm mistaken. (Think I am).

James Bladel: I'm wondering because I don't have the Adobe up. I'm taking notes. I'm wondering if we can put up the document that we're discussing on the screen. I mean this screen. Thank you.

Thomas Rickert: Kathy.

Kathy Kleinman: Some interesting ideas, you know, important ideas have been raised. I wonder if we should be talking about the general rule and then some of the special cases that take place.

So the general rule, and I'd love to know if anybody has any objection, is that assuming nothing else, no cloud hanging over this domain name, excuse me. Should someone be able to transfer between registrars and proxy services? Can I transfer all my domain names from Registrar A to B and stills stay behind the proxy? Is there any objection to that?

Thomas Rickert: That was I guess the second point where I saw a lot of nodding. So that I think the general notion was that transfers should be possible keeping up obviously in proxy. If James point - if there is sufficient or if there is an environment providing for sufficient trust amongst registrants; and Number 2, if there are no issues with the domain name or no disputes around it. Although that is...

((Crosstalk))

Thomas Rickert: ...further discussion. Michele.

Michele Neylon: Yes. Thanks. Just Michele for the record. I mean in terms of the theoretical policy, the concept and all that, that's fine. My main concern around this is the operational aspects of it.

I mean operationally how that's going to work. That's what I would be rather - more concerned about rather than any kind of theoretical yes we should - if this should be allowed or not allowed. I mean the - at a technical level, how is that going to work?

Now I know that within the GNSO it's all about policy, which is wonderful and great and everything else. But when it comes down to my programmers who

have to actually write the bloody code so that this works in a fashion that is well, stable and works properly, I'm quite concerned about how this would work at that level.

I mean the thing is this is you don't want a situation to arise where you come up with this wonderful policy, which will work perfectly well for say two or three very, very large registrars who are well resourced and have very large privacy proxy providers and then the rest of us at the lower end of the scale simply cannot afford to redevelop our software and systems to be able to support some very, very complicated technical implementation. Thanks.

Thomas Rickert: But Michele, if I may. At the moment we're discussing very high level. Is there a desire to provide for transfers keeping proxy without the need to disclose the...

Michele Neylon: Look. I don't disagree with that. I've just - I've already just working through my mind is how that works at a technical level is far from simple.

Thomas Rickert: Which is true but...

Michele Neylon: Which on balance I don't have any issue with the concept. I'm just - it's the technical aspect of it that concerns me. That's all.

Thomas Rickert: But I guess for this group to be able to navigate to hopefully consensus positions in some near future I think we have to carve out what the common denominators are. And I think if one of those is that it - that there is the wish to provide for a framework that allows for transfers without terminating privacy or proxy services, I think that's one statement that we should keep as an interim result. I have James first and then Don.

James Bladel: So just a thought here that registrars should - and I understand that the technical - we're just going to draw a box and say that's TBD. We're going to have to work that out.

But think of it this way Michele. As a smaller registrar, privacy proxy services are a friction against your ability to capture a new market share. Okay. Yes they are.

I mean because if you ran a special let's say and you were able to successfully convince a number of Graeme's customers - pick on Graeme because no one from my registrar would ever want to switch.

But if you were to convince a larger number of Graeme's customers to want to transfer their domain names to Blacknight, they could say oh, I would love to take advantage of this special at Blacknight however, I can't because I would lose my privacy and so therefore I have to stay where I am even if I don't really want to stay where I am.

So it - I think there's a couple of different ways you could look at it. Yes, it's technical and it would be an investment but it could - there could be a payoff in smoothing the ability for or the fluidity of transfers between large and small registrars.

Thomas Rickert: Don had decided - so if we can keep that as an interim result, I think we should move to the second section of the document, i.e., discussing the various scenarios that will take place in practice. And Paul, I guess that's an opportunity for us to revisit the question that - or the concern that you had.

So anybody in the group that'd like to speak to either of these categories. I think non-private to non-private is nothing that we need to discuss because that's standard IRTP practice.

Scenario B, private to non-private shouldn't be an issue anyway. Also because you just terminate the service and then you can move on with a non-protected registration. So there's shouldn't be any difficulties with that.

Non-private to private; unless I'm mistaken, there is also no issue with that because usually you would just move to the new registrar and then start as if you did the new registration using a privacy or proxy service.

So the real tough discussion we might face is Scenario D, private to private. And I think that the potential solution might be closely connected to the accreditation (model later) and where you do (escrow) and all these things. I guess that gets back to Michele's point. Now we can (unintelligible).

But let's leave the technical implementation aside for the moment. What I'd like to hear is ideas from the group as to how you would like to see this in an ideal world. And I think it makes sense for us to structure the discussion from non-contentious transfers.

And what I heard from or where I saw a lot of nodding as well as that where transfers - a non-controversial no dispute on the domain name, no illegal activity being brought to the attention of the registrar. This should go through smoothly. We just have to find a technical mechanism to achieve this.

But then Paul, maybe you would like to get back in and say what type of objections you would like to see preventing this and then I'm sure that Michele and James will step in if this is already covered by existing policy.

Paul McGrady: So I mean again, I will miss something if I try to list the entire universe of possible objections involving law enforcement and copyright and trademark and, you know, whatever.

But everybody in the room is very familiar with all the different possibilities and I don't think we need to rehash those. I think we could just call it a cloud or a concern, whatever we want to call it over the domain name. And I would like to stop talking so that Kathy can ask her...

Kathy Kleinman: I don't want to...

Paul McGrady: No. I'll - I promise to keep talking after you're done.

Kathy Kleinman: Okay. Good. Because I have a question for you. So this is, you know, as you were talking I thought okay. How do we do it let's say - I don't know why we're echoing here. How do we do it in the let's say it's the non-proxied (drop).

                  So now there's some kind of cloud over the domain name, a copyright issue or a trademark issue, and the registrant applies for transfer. Is there any block on it now?

Paul McGrady: There's not a block on it now but there is a - there's a trail of registrant information and alias information if that registrant changes their name for the record. I mean that's trackable as they move from registrar to registrar or even if they just, you know, update their name at the current registrar.

                  So we're not - ultimately what we're talking about is access to information about who they are, not - so we're not really talking about a right to a block. The problem is that the ability to block another registrar change. That becomes a need because of the information about who the registrant is not being public. Does that make sense?

                  If the information about the registrar was public, first of all, we wouldn't be talking about those guys. But secondly we would know who they were and we wouldn't necessarily need the block.

                  So what I'm thinking about is not necessarily having a block that's automatic whenever anybody writes in with any concern about a domain names that's behind the privacy service but a restriction on the number of times that domain name behind the privacy service can move in any particular window of time so that it sits still long enough for at least one privacy service to be able to help the complaining party.

Kathy Kleinman: And as to say my real concern was when you said relay was that any relay might cause a lock or a block on a transfer, which wouldn't seem to make sense. So somebody's asking, they want to buy it. There are a million relay requests that can come through. So that was kind of my reaction to that.

Paul McGrady: I agree. It was a sloppy thing to say.

Thomas Rickert: I have a queue building up. Phil and James. But before we - before I move to Phil, I think it would be good and maybe James or Graeme or Michele could jump in. This contain period that was discussed earlier. I think it would be good for the group to understand better what the restrictions on transfers are.

                    You know, there's a time limit that has been mentioned earlier. Because maybe that would already address your concern to prevent domain name, you know, moved around too quickly before you can take action. So...

Paul McGrady: So this is Paul McGrady again. I'm sorry for not saying my name. I'm going to try to learn how to do that. So that would be - the 60 day period would be great if it were mandatory, not an elective; not an optional on the part of the registrar.

                    And as long as all the timeframes that we bake into respond to requests fall well within 60 days, right. If our timeframes are 180 days, that 60 days isn't going to help us.

Thomas Rickert: Okay. Nonetheless I think it would be good to establish the facts out of the IRTP documents. Michele, would you like to?

Michele Neylon: Okay. Yes. Thanks James. Michele for the record. Oh, sorry. I called you James. Why am I calling you James? You're not James. You're Thomas.

Thomas Rickert: I take that as a compliment.

Michele Neylon: Okay. No - James...

James Bladel: I might also.

Michele Neylon: Okay. Well James is right. I mean the - and apologies because I - when I talk about all the ICANN policies in my own head, I think about how we as a registrar would implement them.

So for example, the 60 day lock after a transfer we would implement that from - as far as - as far as Blacknight is concerned you transfer a domain name to us, it ain't going anywhere for 60 days because we didn't really want to have a situation where we would have to arbitrarily decide from one day to the next whether a transfer was going to be allowed or not allowed. The policy allows us to disallow it so we said, okay, we'll disallow it.

And as things stand at the moment, the - when you register a new domain name with Registrar A, you cannot transfer it to another registrar for the first 60 days. That's - and that's true across all gTLDs.

There's nothing to stop a registrant from updating their name servers and doing many other things they want with the domain name but they cannot move it from one registrar to the other. I mean that's the basis restriction.

Thomas Rickert: Is there a minimum contain period?

Michele Neylon: It's - well it's 60 days as far as I know unless I'm wrong. James. Sixty or 45? Sixty?

James Bladel: Sixty days.

Michele Neylon: Yes. It's 60 - that's it. I mean that's the policy. On day 61 the registrant has the ability to move from one registrar to another. There's no - the ability the

registrars have to restrict the movement of domain names are covered by the policy.

Now we can of course try to implement extra restrictions by our terms of service and everything else. But ultimately no. I mean you can't deny a transfer after the first 60 days.

Thomas Rickert: Okay. So the existing situation is up to 60 days.

Michele Neylon: During the first period of registration.

Thomas Rickert: Yes. But then - James. I think we have to get these facts straight.

James Bladel: Yes.

Michele Neylon: Oh yes.

James Bladel: It's 60 days. Okay. From the creation of a domain name cannot transfer. It's 60 days from the previous transfer. But cannot transfer again.

Michele Neylon: But that was (today) though. Wasn't it James?

James Bladel: Both of these are - both of these are may - registrar may legitimately denied a transfer. Not must. And IRTP B we tried to convert the may to the must. And forgive me, the after market was not happy with that, you know, because it would lock down names and make them less liquid.

So we did not - we did not prevail. We could not reach consensus on making that a mandatory change. Now most of the major registrars will in fact treat that as a must and not a may. However, the bad guys who are going to do this kind of thing know exactly which registrars aren't following that rule.

Thomas Rickert: But I guess that answers the question for everybody that Paul's issue is not addressed by existing policy and this group can't determine that IRTP B has changed in a way that shall - will be a must.

James Bladel: So Paul's issue is not addressed by existing policy in that if he wants to block a name from transferring for something short of a UDRP, a URS, a TDRP, a court order or some other formal dispute then yes, that is not addressed.

All of those scenarios that I just laid out are addressed and do in fact block the name. But we do not have a locking mechanism by which a third party can simply raise a complaint and stop a name from transferring. That does not exist in current policy.

Thomas Rickert: Kristina, are you okay with me going back to the original queue or was that in direct response to James' point?

Kristina Rosette: No. That's fine.

Thomas Rickert: Okay. Phil.

Phil Corwin: Yes. A few (unintelligible). And just to clarify - so domain aside from when it's first registered and where most of the major legit registrars lock it for 60 days, they take that option if there's a lock when there's a UDRP or any of the other actions you just went through.

James Bladel: Correct.

Phil Corwin: Okay. And that's in general. That's not when there's a privacy or proxy. That's just across the board, so. I think in thinking about - we ought to think about the mass of legitimate registrants versus a very small universe of maybe bad actors and legitimate registrants.

I think it's kind of like banking. I mean there's a lot of inertia because it's a hassle to change a registrar. You got to fill out forms, got to set up auto renewal, got to supply credit or banking information again to pay. You know, it's (unintelligible) unless there's a good reason to be dissatisfied with your registrar and their privacy proxy service and want to move to another one.

And there's also a lot of times when legitimate parties want privacy proxy. Corporations want it when they're going to bring out a new product and they register domains in advance keyed to the product. They don't want anyone to know what the product is or their competitors to know and so they use services that do that.

There are dissidents in countries who don't want the police forces to know they're publishing a certain blog that's critical of the government and they might have very good reason to want to move if they find out the local law enforcement, the KGB or somebody is making inquiries about their domain.

So we had (small year). What we don't want to see is someone committing major, you know, malware distribution, phishing scams, major IP infringement, jumping from one proxy service to another every week, which would be a very unusual pattern that we kind of - so maybe, you know, you set up - once you transfer, you got to stay there for minimum amount of time.

I don't know, you know, but we got to think about that. And I got to talk to my folks I represent about that. Also about what would trigger a lock when a domain is - should there be a lock triggered for a domain in privacy proxy beyond the general policy for all domains?

I don't know what the answer is but I think if we're going to do that, it's got to be more than some inquiry from some policeman somewhere. Where some lawyer wrote a cease and desist letter or something like that because that's not a - in my opinion, that's not high enough level to create that lock.

So I just wanted to get those thoughts out there kind of framed continued discussion of this where we look for would it be appropriate to when a domain is transferred to another to lock it for a certain amount of time so it's not going to leave, you know, three days later to another one? And what type of formal dispute would be sufficient for that lock?

Thomas Rickert: Thanks Phil. On that point we have a comment in the Adobe from Chris Pelling. He said please also remember server hold by the registry when the court order and the registrar has not rights not does the registrant. So I think that may also help address Paul's concern. Next in the queue is James please.

James Bladel: I'm going to withdraw from the queue. I mostly partially significantly agree with Phil.

Thomas Rickert: Thanks. Kristina.

Kristina Rosette: I've been trying to figure out a way that we could do this without for example creating new transfer policy or in other words encroaching too far into ground that is within other PDPs.

And I'm going to throw something out for discussion because it's the only workaround that I can see that does that. And it would seem to me that one potential option would be picking up on what James has said in terms of, you know, what the IRTP recommendation was. That if you - if the registrar in question does not impose the 60-day freeze, then perhaps that is a registrar that cannot accept incoming proxy transfers.

Thomas Rickert: That's an interesting suggestion. Any thoughts on that? So I guess the - just to get this straight. This group cannot change or alter IRTP so we have to do what's within our charter. And Kristina's suggestion would allow for us to detach the issue from IRTP.

James Bladel: Can you repeat the suggestion? I'm sorry. I didn't follow.

Kristina Rosette: If the registrar in question is not one of those registrars that implements the 60 day freeze, then it would not be permitted or let me say it a different way. In order to accept incoming proxy transfers, the registrar must be among those that implements the 60-day freeze. Or freeze it whatever way that we kind of steer clear of the IRTP ground.

James Bladel: Just make it predicated on a registrar exercising their option to block transfers in that 60-day window.

Kristina Rosette: Yes.

James Bladel: Okay. The - I like where you're going with this. Sorry, this is James speaking. I like where you're going with this. I think that - the piece that we need to work out is that we would be placing an obligation on an accredited privacy service and a registrar who may not be affiliated. And we'll have to figure that out.

Thomas Rickert: I have Kathy in the queue.

Kathy Kleinman: Do the registrars actually publish this information? Is it known? Is it a matter of fixed policy what they do on transfer?

Kristina Rosette: It's in the registration agreements I read.

Michele Neylon: It might be on an FAQ as well Kathy. It depends. Like some registrars make this information very, very, very easy to find. Other people will bury it. So it varies.

Kathy Kleinman: Okay.

Thomas Rickert: Just thinking out loud here since nobody has raised a hand. Wouldn't that be a possibility to take away the burden from the registrar or prevent, you know,

people from being forced to do research on who does what by just making it a requirement for privacy and proxy services to not allow for transfers for a certain period of time? Because you have to question surrounding FOAs and stuff. So maybe we can place it there. Just an idea.

But I guess the general notion from what I heard is that you don't - that you want this rapidly moving illegal domain names that you want - don't want to give room to that. I guess that's common sense. The question is how can we do that within the existing mechanisms. James.

James Bladel: I think the question on the - for those who don't participate in IRTP D and why would you, you know, because it's the fourth in a series of increasingly dull PDPs regarding this.

But one of our charter questions was how to address this issue of domains like domain laundering. We spent months discussing this. And, you know, it was particularly in like - and in the context of disputes that are filed or pending.

So I think that I just - I'm hesitant to say that we can support a new set of rules coming out of a different PDP on one that really already has issued some consensus recommendations on another that. That's why - I mean I'm sort of gravitating to what Kristina was saying. Let's just make this optional, a prereq.

But I think we just need to be very careful that - I think, you know, hey, this is a problem. Domain flight, domain laundering, whatever. It is a problem. Nobody likes the practice. Major registrars have cracked down on it. It was such a big problem that we spent so much time on it in IRTP D.

But I think solving it everywhere we encounter it is not the right way to go. Anyway we should maybe look at solving it in the transfer policy first because

that's where it lives in the root and then this would be - let's not let the exceptions follow the rule. Thanks.

Thomas Rickert: Holly.

Holly Raiche: Yes. Just a question. So if we go back to accreditation it's going to include a number of things. But one of the things it's going to include and a system in there so that you can transfer without revealing the information - the private information and Michele's comfortable with, which is another requirement.

Kristina, I'm hearing you're adding that to the accreditation requirements and James of what - from what I'm hearing you're not necessarily comfortable with this.

Man: (Unintelligible).

Kristina Rosette: I don't know that I'm necessarily adding it. I just was trying to kind of - I'm trying to come up with an idea that address the concern that Paul has raised and that frankly I share. To me this is domain tasting all over again.

But at the same time being cognizant of the fact that there was what I think is probably the longest running PDP on transfers that wasn't able to come to consensus on this. So how do we balance the two?

If it works out that that's how we do it, that would be great. But again, you know, I was really just kind of thinking aloud about is there another way to get at this problem.

Thomas Rickert: James.

James Bladel: So it wasn't - sorry, James speaking. It wasn't the longest PDP. It was a series of five very normal PDPs, which ended up spanning two or three

careers. Most of us have different - have changed jobs and titles so many times since we started this journey.

But so I have a - I guess I'm going to stop talking in a moment here. I just wanted to say I have kind of a substantive concern and then a procedural concern. I think I've already laid out the procedural concern.

Is this problem actually is a vulnerability that being exploited of another policy somewhere else? We need to close that hole there as opposed to playing whack-a-mole in other polices and other context where it pops up because it will pop up everywhere.

And then just - I'm still struggling with just the substantive issue that, you know, if you want to stop a domain name from moving, file a procedure on it. You know, you guys have your disposal - vast amounts of legal resources.

I'm concerned with the ability of any third party - because what we do for you upstanding and right minded folks protecting your clients' intellectual property will be employed by less upstanding people to disrupt transactions to harass, to persecute and we need to be cognizant of that.

We need to be aware that if we lower that bar so that it's simply a matter of an informal accusation can stop a domain name from transferring. There has to be something more. There has to be something - some teeth there. Some documentation. Some something. Some gravitas.

Thomas Rickert: Paul.

Paul McGrady: So we're not necessarily always talking about an accusation. These are requests for information about who the registrant is. So for example, if you find out that the registrant is somebody with the same last name and there's some good faith use that they might put to a particular domain name, then you wouldn't file a UDRP complaint in order to lock it down if we don't have

that built in mechanism to make sure that the domain name slows down enough to get that information.

I'm hesitant to adopt the idea that the first thing you should do is file a complaint somebody when you don't have all the information. I don't think that's great.

And again, I'm not speaking for law enforcement because they can speak for themselves. But again, sometimes it's good to investigate people before you charge them with things. Right.

And so I'm, you know, I'm hesitant to adopt the notion that we fire first and then, you know, hope we don't kill anybody in the process. I'd like to have a process where we're able to do due diligence before we accuse people of things.

Thomas Rickert: Steve and Kathy.

Steve Metalitz: Yes. This is Steve. Just to pick up on what Paul just said. Let's also remember that the types of abuse we're talking about, only a very small minority of them are subject to these other procedures like UDRP or URS.

So of the many things that might be investigated, many types of parrot abuse that might be investigated, only one, which is use of a domain name in bad faith that is confusing with your trademark is covered by those procedures.

So I think they're - if we have a - if there is going to be some type of lock here and I think Kristina's suggestion makes sense to me but I'm not as familiar with the practical realities of this as many of the other people around the table. But let's remember that this extends well beyond the types of abuses that are covered by UDRP or URS.

Thomas Rickert: Kathy.

Kathy Kleinman: Okay. Three points. Two short ones and a longer one. First point, and I don't think anyone's said it and correct me if I'm wrong. James, were you Chair of the IRTP B?

James Bladel: No. B was Michele. I was C and D.

Kathy Kleinman: Okay. (Just wonder). So we have the people who lived and breathed and suffered through all of this, which is great. And I thought we should...

Michele Neylon: (Unintelligible).

Kathy Kleinman: Okay. You skipped D?

Michele Neylon: (Unintelligible) to D as well.

Kathy Kleinman: Okay. But that's very important. So we have this base of knowledge here, which I, you know, I think is great that we can call on and know about. The second thing is of course I share the concerns James raised. Working with you, working with lawyers who follow the rules, who zealously represent their clients but within ethical bounds is great.

There are so many unfortunately who don't and that's the ones we get to deal with on our side. So I just point that out. We've got to make the rules for both those who are acting in good faith and those who aren't.

And so now I wanted to say this is where - this point in the conversation where we are is where I'd really like to jump to reveal and start getting some answers on what - it's almost like we're dealing with a void right now because we don't know quite what the - we don't now at all what the reveal procedures will be.

And so depending on what happens with the reveal, this may or may not be a moot issue. If reveal is fast, if reveal is slow, if reveal has certain procedures that raise its level to the kinds of things that James is concerned about and that those might be concerned about - there's just a whole open set of questions about reveal.

So I don't know how we do that but I feel like we're trying to answer questions we don't - I'd almost like to - I hate the phrase put a pin in it and come back because I think we've reached some consensus. We do want to see this private-to-private transfer and - but we're not quite sure of the circumstances surrounding it.

Thomas Rickert: Wendy.

Wendy Seltzer: Thanks. Wendy Seltzer. Since I'm just joining you, I was on the phone at 10:00 when I got in by plane and happy to be here in the room with you.

So I agree with Kathy that many of these important issues will come up when we get to reveal. So for this point in the conversation I'll just ask us to keep in mind that the registrant who's using privacy and proxy services may have different sets of priorities or different priorities among keeping the domain name that he or she has registered, transfer the domain name and keeping privacy.

And we should be sure that our system enables the registrant to prioritize keeping privacy over any of those other things. And if the registrant is happy to lose the domain name rather than have a simple transfer or a rapid response to - that they're able to make to process, that should be something that they can opt for.

Thomas Rickert: Thanks Wendy. I think we should maybe move on with the discussion. Kathy thankfully made a point that I was about to make that we're now in the midst of what is a reveal discussion. Right. But I'll get to you in a second Paul.

Hearing to what you said, I think there is - that nobody disagrees with the notion that domain hopping need to be prevented for bad actors. Also we know that we can't change IRTP. Reopening the IRTP discussion might also not do the trick here and there's an uncertain outcome.

Burdening the gaining registrar with - or the losing registrar with the assessment as to who uses the 60 day contain period and who doesn't might be unfair.

So are there any other places where we could put this requirement and maybe have a de facto contain period that everybody might be happy with without diving into the reveal discussion?

For example, one could phrase the accreditation parameters in a way that privacy and proxy service providers must only contract with those registrars that are using the 60 days period. Just a thought.

I'm not saying you should. But if we don't find a solution for that here, I would really suggest that we postpone this discussion for the reveal discussion. And also let me add one (this is) interesting. So David has also taken note of who was first.

The other thing is if this is merely about revealing, then even if the registrant has changed registrars due to the data retention requirements in the RAA, the (requester) would still be in a position to obtain information if they have the right to get it.

So I'm lost as to who raised his or her hand first.

David Marvin: Paul and then James.

Thomas Rickert: Paul first.

Paul McGrady: Well my comments have become antiquated by your comments. I just wanted to say that I would like to change the rhetoric. Instead of calling it a lock calling it a slowdown because they're not really locked. On day 61 they'll be able to move on, right.

But I also wanted to say that I don't want to - I agree with you that maybe putting a pin on this right now as long as we can come back to it because again, if we have a reveal process that takes 61 days, then we've talked about nothing, right. And so I agree with you that we could put a pin on it. However, I'm concerned with all the hands that just went up that, you know, my comments were too late.

Thomas Rickert: James, Holly, Michele.

James Bladel: Just very quickly in case anyone - this is James speaking. Just quickly in case anyone was starting to dilute themselves was simple. The 60-day lock and who supports it and who does not is not - unfortunately not a badge that someone wears on their forehead as a sticker.

Even the registrars who don't honor it as a blanket practice may use it situationally. If let's say a password has changed or an email address was updated right before an FOA was requested and something is suspicious about the transfer, they may do a - they may use 30 of those 60 days. They've used 12 or 47 or, you know, or something like that.

It's very, very - I didn't want anyone to think that this was a binary, you know, 60 days or nothing and that registrars wore that, you know, somewhere on there as a badge on their Web site. It's very - it is very fluid. Thank you.

I'm sorry. So maybe a declaration we use all 60 days in all situations, something like that would be a way around that. But I just wanted to make

this group aware that it would take something like a declaration for that to work.

Graeme Buntin: Can I follow up on that very briefly? Sorry. This is Graeme. Every time I talk you have no idea where I am Thomas. Just very briefly, there's sort of the opposite scenario that - and I think (Tucows) falls in to this where we implement the 60 day lock almost completely uniformly but there are occasional exceptions for whatever special case where we might do something within that 60 days.

So it's both, you know, no lock for 60 days except for some exceptions or primarily lock for 60 days except for some exceptions. That's all Thanks.

Thomas Rickert: Thanks Graeme. Holly, Michele, Kathy, Marika, Phil.

Holly Raiche: I was just going to clarify terminology. I think what we were saying is since - when the RAA 2013 version takes effect with the specification, you have to agree with the specification.

So if you say in the specification itself, which must be complied with, then there would be a requirement about when you're locking or slowdown or whatever, you build that into an accreditation requirement would possibly be a way of addressing what Kristina was thinking. Just it was a kind of slight change language is what I'm talking about.

Thomas Rickert: Yes. That's a great suggestion. And let's bear in mind that this specification is provisional. So that will be substituted but by what we're doing. So it's a, you know, it's a level playing field for us. Michele.

Michele Neylon: Yes. Thanks Thomas. Michele for the record. Couple of things. As a registrar and as a registrant and as a businessman and as a human being, I have a few concerns with the idea that a registration that is behind a proxy or privacy service that falls within the (remit) of this accreditation should be treated

differently to a registration that falls outside the (remit) of this. That does concern me quite deeply.

I'll explain. I mean the - under the terms of the contracts and everything else where the - this accreditation will capture - it'll capture our privacy service, it'll capture domains by proxy, it'll capture some of the bigger ones but will have absolutely zero impact on -- well actually I'll pick on you since you're sitting across from me -- on you as a lawyer providing proxy services for your clients.

So if for example you were a completely unethical swine and you wanted to provide proxy services for every single scumbag and criminal on the face of the planet, you could continue to do so and you wouldn't be impacted in any way by this.

Yet a private individual who happens to be -- well I'll pick on Ireland because I - that's where - which impacts me -- can be done for copyright infringement and everything else because there is no concept of fair use under Irish law. We have instead fair dealings.

I'm - you can be done for - you can be accused of defamation and because of the way our defamation laws are set up, it's completely ass backwards and you end up having to prove a negative, which is rather difficult.

You know, I am concerned by this. I mean the thing is from my perspective, you want to slow down the transfer of domains between registrars across the board, fine. I've absolutely zero issue with that. No issue with it whatsoever.

But I do have concerns about this idea that you're - it's a bit like animal farm, you know, all animals are created equal; some are created more equal than others. And this being applied when it comes to domain registration scares the living hell out of me. And I just see it as being counterproductive.

With respect to the reveal aspect of things, this is something which is incredibly thorny. If for example was as an Irish company receive a reveal request for a domain name registered to a private individual in Ireland from an entity outside Ireland, I'm going to ignore it.

And ICANN can get its knickers into a twist until the cows come home but ICANN does not mandate Irish law. I am bound by Irish law. So I'm not going to start breaking Irish law just to make ICANN's legal department happy.

I mean this goes back to the entire thing around the data retention and every else that you touched on. Until - unless and until ICANN is - does a better job of actually handling privacy - actually they - this is going to be a very, very thorny issue because registrars in various jurisdictions and privacy and proxy services in various jurisdictions, we have to be - we have to comply with our own national law.

Now that does not mean that we have - we're going to ignore abuse complaints. That does not mean that we're going to allow criminal activity to continue and everything else. I mean that's not what I'm saying at all. But at the same time, the crafting of this has to take that into account. Thanks.

Thomas Rickert: Kathy.

Kathy Kleinman: So many good comments being made. So I just wanted to go back to what you said because it's the second time you've said that we should put it in the accreditation contract. And I just think there's so much that needs to be evaluated on that before we do that.

It is a new requirement. It - I really don't know who keeps in and who rules out - just so many questions that I just wanted to raise that I think we should come back to that because it has a whole set of issues all its own.

Thomas Rickert: Marika.

Marika Konings: This is Marika. Although of course this is indeed not in scope for this working group to, you know, change the IRTP but if, you know, you all believe that modifying the IRTP is a solution to this question, it's something you can put as a recommendation that you recommend that Council initiates, you know, a PDP on that specific topic that looks at how to transfer policy should be modified.

So I think, you know, if that at the end of the day is the preferred solution just because it's not in scope for this working group doesn't mean that it cannot get looked at in another environment. So I just wanted to put that on the table. Maybe I'll talk a bit more...

((Crosstalk))

Graeme Buntin: This is Graeme for the transcript while Thomas dies slowly and we all die or we all watch him go. I think out of IRTP D - and is James back in the room? I don't think he is. He didn't want to watch Thomas go.

I think one of the things that we've put in there is that, you know, there needs to be a broader look taken at transfers as a whole. So that recommendation is (unintelligible)...

Woman: (More coffee).

Man: Oh God.

Graeme Buntin: Right. So there's a recommendation within IRTP D that transfers that all need to be, you know, sort of revisited that can be slow and clunky. And we have this issue around privacy transfers. So, you know, that's in there and maybe that's coming.

Michele Neylon: Welcome back Thomas. No I mean I think, you know, Marika is right. One could raise this possibly maybe following Graeme's way of framing it. But we had already spent quite a bit of time looking at this in - oh Christ, which IRTP was it? Was it B or was it C? Was it B? Okay. Sorry. I just - once you get involved in IRTP, PDPs, it's just like one long stream of things and it's impossible to tell the two apart.

And I think when we tried to make - change the may to must - to change something optional to something obligatory, we hit a brick wall. Now this is one of these - one of these ongoing issues around transfer policy that is a major headache and unfortunately, you know, it's something which can't be taking in isolation because obviously it impacts other things be that privacy proxy or other matters of policy.

In that, you know, certain people want to have well their cake and they want to eat it as well. I mean they want to have easy transfers of domain names between registrars but they also want to have security and everything else but they want a whole lot of things. But the two don't really go well together.

The best way to mitigate against a whole range of issues including matters of abuse would be to make it - to make the kind of quarantine concept, the slowing down, whichever terminology you're happiest with to make that - to make that mandatory.

But unfortunately every time this is put forward it doesn't matter in which context it's put forward, there's always a very vocal group of people who oppose it and it just never goes through.

Thomas Rickert: Thanks Kathy and Marika and Graeme for your intervention. Unfortunately I have to go to the transcript to find out what you said. So I think there is no easy way out of this dilemma.

Michele, I hear what you're saying but it was my impression particularly from James' intervention that the registrars participating in the IRTP were unhappy with the fact that the may wasn't a must. So I was...

James Bladel: Some registrars.

Thomas Rickert: Yes. So I thought that, you know, you would have had the opportunity to change that at least for this specific task. I hear that there are other difficulties with that nonetheless and we're approaching our first break and I guess get back to you Phil. I'd like to take away some sort of interim result.

And I think that that is that the group is not opposed to a slow down mechanism depending on the specific circumstances that would be - would need to be further discussed. Right.

So I think that this domain hopping, you know, if we can find a mechanism to prevent domain hopping when there's illegal registrations or illegal use, that's something that the group likes. Right. So this is no boulder. So I'd just like to see some nods or a position. Holly.

Holly Raiche: I think the other takeaway, and we sort of lost it but I don't want to, is in terms of transfer, which is what this started off to be, was the private to private, which was most problematic.

At the kind of high policy level it was the though was if accreditation, and we all know that the problems that Michele has point out with that, but theoretically if you have - if you can trust - you as a registrar can trust the other registrar has gone through the kind of verification of details that that starts to look like at least a high level way of dealing with the private to private issue. So I don't think we should lose that even though it's got its problems.

Thomas Rickert: Sorry. I had Phil and then (unintelligible).

Phil Corwin: The conversation's kind of migrated on from - but I still think this is a good point to keep in mind. We've been talking about one end and we all understand that intellectual property and other interests are very valid reasons for not wanting skipping around.

At the other end I just want to point out that in certain (fact) situations domains may be taken from the registrant without any - whether or not they're under privacy proxy protection and without any inquiry as to who the actual registrant is.

And I'm dealing with that right now. I think some of you saw a story last week in the domains and I wrote something about it at the ICA Web site. Under a sealed court order - the initial report was 5000 domains were transferred to a plaintiff in a civil lawsuit actually coming out of LA under the Chan Luu company was the plaintiff.

And I've been working a group in the domain industry analyzing Whois data trying to get a handle on what happened because we don't know what the actual court order was because everything's still under seal and VeriSign can't say anything because it's all under seal.

And what we have found is that the actual number of domains transferred was closer to 9000, close to double what was originally reported. And everyone we have found that was - did no longer belong to the defendant in the case we - there was - we assumed that some kind of judgment against assets of the defendant.

But everyone that we know about were domain investors are saying where'd my domain go and what are my - how do I deal with this. Was an expired domain but bought on the drop catch by bonafide purchasers for good value. And now no inquiry was made. I don't know how many of those transferred domains were under privacy proxy but there was no inquiry made by the court.

So we're trying to figure out how this happened. You know, was there - I don't want to say abuse or even negligent. What - could things have been done better to prevent this? But what can prevent this from occurring again?

But the point I want to make is that there were certain - there may be certain types of litigation where bad actors and even bonafide good actors who get caught up in a legal case they didn't even know about, you know, but all they did was buy a domain may see their domains transferred regardless of whether they're under privacy proxy.

So we got to I think keep that there are some kind of outliers at both ends of the spectrum and any general policy would come up we'll never catch all the scenarios we don't think of around this table.

Thomas Rickert: Thanks. I have Don first.

Don Blumenthal: Yes. And I apologize. When I left it was to get some medication I really should have taken earlier so I'm focusing better now. I just wanted to raise two issues. And Steve said something as I was leaving.

From the law enforcement, anti - abuse side, a lot of the inquiries are not necessarily looking at bad folks. Very often they're looking at people who - it could be a trail to lead to the bad folks.

And what brought that to mind is just if we're putting together things that we'd like to avoid saying that these inquiries are only for bad behavior, they aren't always.

And I - and again, and I've said this often on the phone calls, there's a big frustration concerning not having independent proxy privacy providers in our group.

But I just want to keep in mind that some of the things we're discussing concerning registrar and domain transfers in our context just may not play out always the way that we're focusing on them in terms of the verification or the issues.

So we've still got some - well, still trying to find a non-affiliated outfit. But I think that may change our - at least some of the focus as we go along if we can find one.

Paul McGrady: I withdraw my hand. I decided that what I needed to say is two hours too early. Thanks.

Thomas Rickert: Thanks Paul. I'd just like to test whether we have the same understanding on the achievement so far. I understand that this domain hopping is something that all of us like to prevent from happening. But then I've heard some of you say that there shouldn't be (extra rights) for requesting parties when domain names are in the privacy or proxy services.

I guess Michele you were one of those saying that. So just to do the - to do the sanity check on that, is there anyone in this room who is against thinking of ways to slow down or prevent transfers from happening? I leave that entirely on an is basis as for domains that are not using privacy or proxy services.

Paul McGrady: Could you rephrase that in a different way? Can we just say that we - see if we have consensus on the principle that there's a problem that needs to be solved and everybody agrees that we want to move towards solving that problem and there are details and new ideas to think about and work out and sort of put that pin down on it and just say that we all agree in principle that there's a, you know, that we should be working to solve this problem. But...

Michele Neylon: What problem?

Paul McGrady: The problem of the rotating - the move - the domain name that's being laundered.

Michele Neylon: That I can't agree with. I've no issue with the concept of slowing down transfers but I'm not going to agree to that statement.

Paul McGrady: Help me phrase it more specifically so that we can get there.

Michele Neylon: What Thomas was suggesting to me was a kind of a neutral - was a neutral kind of statement that we could agree on slowing down transfers in general. You're trying to frame it as if there's a specific issue you want to address.

So from my perspective I've not issue with slowing down transfers. Perfectly happy to do so. But the issue that you have with transfers isn't an issue I have. So I'm not going to agree to there being an issue because I don't really see it.

Paul McGrady: I admit to having completely lost you Michele. I'm sorry.

Thomas Rickert: So maybe you can sort out that - sort that out over a coffee.

Paul McGrady: Okay.

Thomas Rickert: James, please.

James Bladel: So I think my - because I can't become confident that my - that the cure is not worse than the disease, I think my general tendency is that we should probably stay away from this one in the context of this working group.

However, I can sort of warm up to the idea that we do a minimus type approach, which is we require private-to-private transfers. Registrars have to declare that they honor the 60-day lock in all cases. And then we leave a little

breadcrumb for ourselves when we come to the reveal process that that process takes 60 days or less. So that window is inside of the other window.

And I think that's - to me that's the lightest touch. That's the light touch approach that probably goes to the heart of this problem without really gutting existing policies or creating new rules - a new playbook for private names that don't exist for non-private names.

Thomas Rickert: And then let me do the test for this one. Is everybody okay with capturing what James said as an interim result? And we'll get back to the topic when we discuss reveal. Kathy.

Kathy Kleinman: For the one caveat that certain - and this is where we jump to reveal again. Certain reveal scenarios that I can envision in the world of reveal scenarios might take longer than 60 days. So you can't promise that they're all going to be done.

James Bladel: Can't win them all.

((Crosstalk))

James Bladel: We can get to 80-20, right. But I mean...

Thomas Rickert: So I guess nonetheless we have some interim results. I would like to get back to this as time permits. Maybe when we discuss reveal. I think we should try to, you know, although this is a most interesting discussion, we should try to keep the breaks, which also allows you to get some fresh air but also maybe keep on discussing this if you want to.

Thanks so much for this first session. And we'll reconvene in - at 11:30. Fifteen minutes. Thanks.

END