ICANN

Moderator: Gisella Gruber-White
October 14, 2014
11:00 am CT

Man: (Pteridomania) dot com.

Man: I'm actually going to stop you there because the recording wasn't started
                        before we announced who - what the meeting was so this is the Registrar
                        Stakeholder Group meeting here in Los Angeles (unintelligible) shared the
                        Registrar Stakeholder Group. Thanks.

Volker Greimann: Volker Greimann, key systems GNSO councilor and your vice chair on the
                        GNSO council.

John Berryhill: John Berryhill, nominating committee, unit registrar, dba Unit Registry,
                        Cayman Islands.

Matt Serlin: Matt Serlin, MarkMonitor.

Ben Anderson: Ben Anderson, SGA.

Gordon Dick: Gordon Dick, Demys.

Graeme Bunton: Graeme Bunton, Tucows.

Man: (Unintelligible).

(Mike Munsey): (Mike Munsey) (unintelligible).

Bob Wiegand: Bob Wiegand, Web.com.

Man: (Unintelligible) register.ca.

Mike Zupke: Mike Zupke ICANN staff.

(Kelly Peterson): (Kelly Peterson) domain - excuse me - DNC Holdings.

(Joyce): (Joyce) (unintelligible).

James Bladel: James Bladel, GoDaddy and North American GNSO Council.

Sara Bockey: Sara Bockey GoDaddy.

(Christian Milno): (Christian Milno) Chromium AG.

Michael Shohat: Michael Shohat, Cronon, Berlin.

(Tristan Ullman): (Tristan Ullman) (unintelligible).

Woman: (Unintelligible) one.com.

(Thomas Dickson): (Thomas Dickson) one.com.

(Robert Turlington): (Robert Turlington) domain.com.

Darcy Southwell: Darcy Southwell doman.com and (Dry-fi)

(Mark Hoffman): (Mark Hoffman): Internet LX.

(Neil McFessen): (Neil McFessen) 101.

(Rob Bilner): (Rob Bilner), Plementes.

(Rob Hall): Rob Hall, Plementes.

Man: (Unintelligible) and treasurer.

Man: Thank you. Is there anybody else in the room who's a registrar?

(Luae Flintino): (Luae Flintino) from (unintelligible) Corporation.

(Chris Crook): (Chris Crook) Domain People.

Man: Okay, thank you everybody. The schedule for today - we have some printed copies which you should have. If you're not in the room, the schedule was circulated by email. It's a pretty busy schedule as ever so we'll try to keep things as timely as possible.

At this juncture we have two administrative matters we want to deal with. One is in relation to the topics we're going to be discussing with the Board which we normally would find less advanced however we left at the total this morning to completely finalize them and then we have one other matter in

relation to yesterday's registry and registrar session. So Jennifer I'll hand it over to you for the Board topic.

Jennifer: So we just want to confirm the Board topics for discussion today between the registrars and the ICANN Board. The first one was translation and...

Man: Translation and trans-literaturation, yes.

Jennifer: Sorry. The Iona transition are requested - repeated requests for the LAA staff as it relates to verification suspension ICANN budget and the IG involvement. Does anyone else have any other items or questions about the list - proposed list?

Man: Go ahead, James.

James Bladel: Hey so I'm going to start on us a little early today. I think that we need - these are good topics. I think we need to tighten up specifically what it is that we want the Board to do on each of these topics. We're going to involve - we say transliteration, transcription and translation. We don't like it and then the Board is going to - what - look up from their left up? I don't think so. We have to be specific. What do we want them to do? They're not going to get involved in a PDP that's underway, so what's the ask?

                  And I think we have to kind of subject each topic to that - what is it that we want either to report to the Board or what are we asking them to do in reaction to our report and I'm just not clear on those.

Jennifer: This is Jennifer with Web.com. I think that we reserved the working lunch session to clarify what our asks are and I think that's probably the appropriate time to do it. I agree that that's needed. We are under a tentative deadline to

get the actual just topics for discussion over to them this morning. So if we could stick to that for now and just have a placeholder for our working lunch to determine the questions - the actual asks.

Man: And just bear in mind as well based on past experience with the interaction with the Board that if we have more than three topics, possibly four, we won't get through them all.

Woman: All right, let's just take the top three then.

James Bladel: I agree. We should probably whittle the - I'm sorry. This is James speaking again for the transcript and for the remote participants. I agree that we should whittle the list down to our top three just because it's the interest of time and I think that we - we should bear in mind that previous interactions with the Board from this group have been appeared or perceived or portrayed as just sort of complaint sessions because we haven't been tightly focused on our ask so I'm glad to hear that we're sitting aside some time to focus on those.

And Mike one of the things I think we should throw overboard or at least abbreviate is the LEA stats. I think it's very clear we're not going to get those. So rather than attempt to embarrass them repeatedly in every ICANN meeting, I think we've done obviously a pretty good job of driving that home. We just bring it up again for reminder. We still have not received the LEA stats requirements in London so just tell us you're not getting them for us. Just tell us we're not going to get them and we'll stop asking for them. Just go on the record and say that governments ask for requirements but don't ask for, you know, anything - or don't provide anything in return. Go ahead.

Man: Sorry James. I have a bit of a different take on it. I think there is an ask there which is stop asking us for more requirements like this until they do provide

them so because they're still coming at us for more verification requirements and that type of thing. So I don't want to just say tell us we're never going to get them and let's move on. I want to say stop hounding us for other crap like until we get them.

James Bladel: That's a good point. Let's take the cross steal verification off the table until you can demonstrate that we're doing some good here.

Man: Right.

Woman: So do we agree that that is one of the top three on the list?

Man: I think we agree two things - one is the top there and two - since James stuck his neck out, we'll let him tee up the topic.

James Bladel: Happy to. Happy to. Thanks.

Man: But I mean jokes aside, we can continue this discussion during the working lunch but we need to maintain the economic tight focus that we have one person who can lead each topic and just make sure that it doesn't kind of go off - as James said - to have unfocused wind fest because that's not particularly helpful.

Woman: I just want to be cognizant of time because we do have our guest speakers that have arrived. Can we quickly determine the other two remaining - possibly a show of hands - and our room of participants could - so we actually have to get the topics over to them by 9:30.

Man: We can send across all the topics and then just dump a couple if we need to. That's not a problem. We've done it in the past - I mean quite happily and we - it's not an issue. James go ahead.

James Bladel: I was just going to say unless we have something really unique and novel and impertinent to say about Iona transition, I think that's underway in so many different circles. I don't really see that as a registry or - sorry - registrar board topic. I think that can be thrown overboard.

Woman: I also feel the same way about the ICANN budget. I think that that train's left the station on that one for at least 2015.

James Bladel: And is (Sully) here? (Sully) had some interesting observations on that. So I would actually say if we can keep - if it's got to go, it's got to go but...

Man: Okay. Can we agree that we're dumping Iona transition?

Man: Sorry. All I would say is my observations were - well my observations were we - James and I looked at this at the last ICANN meeting and we were sort of pretty shocked at Michael and I think there's going to be 33 million registrations in the new GTLD's next year. What came out in the finance session was actually the way that they were calculating the money was actually because of the registry B that was being included. It was 33 million registrations in new GTLD registries that have more than 50,000 transactions in a year. I'm hoping everyone's following what I'm talking about.

                They've now reduced that to 15 million transactions. I can't really tell you the basis behind that being reduced but I guess all my kind of thoughts on do we want to bring that up with the Board is they didn't do a finance session. They put all of this information out there. I'm not sure what we're actually going to

bring up with them. I mean here we don't think there's going to be 15 million transactions but I guess going back to what you said James about having a specific ask which I think is great, I'm not sure what a specific ask would be in that session.

So I'm happy that we have it but I wouldn't - I wouldn't push that we need the budget one in there like the others are more important.

Man: Okay, guys. I think we can focus with it more during the working lunch. I'm conscious of the time as we are running slightly behind. We have one other person we want to speak on a slightly different topic. (Faleek) you wanted to give us some feedback on yesterday's registry registrar session.

(Faleek):   Yes. I just wanted to - it was really nice to organize that. It was good to have some people speaking to us with some people we knew who knew everything about that clearly but it was useful for a few. I just wanted to know if everyone was interested in carrying on for our next meetings to have all of our registry registrar meeting.

Man: Go ahead, (Ralph).

(Ralph):   Since you brought it up, we have carried on at this meeting actually so there's another session on Wednesday. We've gotten bumped half an hour so it's in the CA showroom B which is if you go into where the exhibits are and take a hard left and go through the curtains - the block hanging curtains behind the ICANN booth - that's where CA showroom B is so it's a smaller venue.

It is where the DNA meeting registry registrar technical meeting will be right before us. That's why we've gotten bumped because (unintelligible) got thrown out of here. So there's 20 more presentations coming there.

You know, (Jenna) and I've worked together on this and we've also asked ICANN for the next meeting to get it on their radar of can we have a whole day Monday with the room to do this because we're, you know, even Wednesday I'm still way oversubscribed. I have registry wanting slots but we couldn't get them.

But what I'd love to hear from some of you and I know this isn't the necessary - we don't have time in this open forum but today if you can approach me, what do you want that's different in the presentations because I think seeing a video for how great a city it is isn't really what we need to hear. It's, you know, what are your price points. What are your marketing plans? How are you working with registrars - that type of thing - but because I've still got a chance to go to the Wednesday ones and say here's what we'd like you to focus on that's different.

But I think, you know, I think we're already moving towards the path of let's do this again and again and again if that answered your question.

Man: All right. If we do it again and again, it's good for me but maybe we could have some mandatory topics that we should talk about like the dates, the timelines and (unintelligible) rather than explaining how beautiful the (unintelligible). I like that one but I'm more interested in timeline.

Man: Perfect, thank you. I'll make sure they try and do that for Wednesday. Anybody else want to speak on this topic? Sorry. To be clear, it's 1:30 now, not 1:00. 1:30 to 5:30 on Wednesday is the new time.

Man: Okay, thank you. I believe the - is (Maggie) here?

(Maggie):   No.

Man: Hi (Maggie). Okay so now I'm going to hand it over to (Maggie Zurett) from ICANN Compliance. So (Maggie) if you want to join us up here. Speak there.

(Maggie Zurett): So while the presentation is being put up, I want to say good morning everyone. My name is (Maggie Zurett) Contractual Compliance. With me in the audience today I have the team from Los Angeles so they get to see and experience and put the names and the faces of the different registrars we work with but also to my left is a new team member for compliance. That's how I like to think of it, right. It's (Anna Grogan) who many of you know.

                  So with that what we're going to do is our normal brief update to you based on different questions that came our way and then we will have time for to address the different questions that we see.

                  Sure. Team, can you stand up please? All right, many of you have received emails from them so you should know. We have - I'm going to start with the front row - Jennifer. You can raise your hand as I'm saying your name, please. (Latisha) (Beverly) (Connie) (Yan Eckeroneg) Senior (Openheimer) (Greg) (Jonathon Young) and (Paul Redman). I'm sorry. Who did I miss? Oh sorry (Shawna). (Yan) was in front of you - and (Shawna). And of course you all know Owen. Owen.

                  So who's driving the slides?

Man: I am.

(Maggie Zurett): You are? So it's (Paul) not (Vanna); right?

Man: Good morning everyone.

Man: Next slide, please.

So this is actually quite the sensitive mike here. So we're going to update you here on things since ICANN 50. That's the agenda and we'll go over those topics in order. Next slide, please.

The first thing I want to talk about is compliance launched this past year a who is an accuracy quality review or QR. You may have noticed some notices from compliance about that. And what that's doing is to verify continued compliance with the contract. It's for domains that were suspended during a who is inaccuracy complaint. That's to verify either that it is - that they're still suspended or the data's been changed to see that there were reasons for the data being changed or, you know, the data was confirmed.

This is the stats for who is actually complaints from January through June of this year and as you can see, about 90% of them were either suspended or deleted and then some were transferred out and others were either verified but in all instances (unintelligible) demonstrated compliance. There were no issues of domains, you know, being turned back on without proper support for them. Next slide, please.

Another effort that was recently launched is a remediation QR - quality review - and this is a process for when a registrar or contracted party be for registries as well is demonstrated to insure they have continued compliance after they've implemented a remediation effort to resolve a formal or an informal compliance matter and this'll be a request for information just to verify that whatever issue is fixed or addressed it is still in operation as it should be and

it's possible that if noncompliance is found that there could be an escalated compliance notice sent for that.

For some further guidelines and clarification, you can refer to the slides later in the presentation or online which describes the ICANN compliance process.

A hot topic we continue to have are the abuse reports. The most common ones that we're seeing are online pharmaceuticals, malware, viruses and spam. There does continue to be reports that are outside of that. Some examples that we have are our registrars that are on the 2009 RAA. Other ones that we would not send to registrars where the reporter did not contact the registrar first. We want to see that the reporter's doing that and not using ICANN to enforce their complaints.

Also compliance as well as other parties in ICANN have continued to conduct outreach efforts with registrars, abuse reporters and IP rights protection groups regarding the requirements for abuse handling under the 2013 RAA.

One new thing also this past - since the last ICANN meeting was calling domain registration scams. I know people here have seen these before. They're emails that are sent to registrants asking them to register domains, pay certification, evaluation fees or to protective trademark somewhere there's no registration or the UDRP.

They often will charge high prices. You often cannot see who the underlying registrar is. Red's not readily available. Some of them are actually very highly customized we've been seeing and there's usually a way to provide the personal information through that.

ICANN did a blog to warn the community but also compliance is following up with inquiries to the resellers and then also following up with some of the registrars for those types of complaints either to inquire whether they are a reseller and in some cases where they are abusive compliance is outside of our complaint processing system sending those to registrars as an abuse complaint itself.

I do appreciate the feedback and the support from some of the registrars in this room who have worked with us on this and helped us to take down some sites that were targeting registrants and we're able to get those taken down there. We appreciate the collaboration on that. Now I'm going to let Jennifer present.

Do you want questions at the end of this or as we go? At the end?

Jennifer Scott: Good morning everyone. I'm Jennifer Scott Manager of Contractual Compliance. Here's some lessons learned regarding the 2013 registrar accreditation agreement that we've seen since London. The first is rearing who is accuracy program specification and the difference between verification and validation requirements. Unfortunately some registrars are still mixing these up.

To verify, to confirm or to correct the accuracy of the Whois data and requires the affirmative response back from the registered name holder. On the other hand to validate is to insure that the Whois data format is consistent with standards and examples of those standards are listed in the specification itself. Registrars are continually providing ICANN with verification and calling a validation. So we are trying to get the message out that validation is consistent with those standards.

The abuse report requirements are also something we've seen registrars continuing to align with on a 2013 registrar accreditation agreement. There's section 3.18 contains these requirements and covers both of these reports from law enforcement and from non-law enforcement. The main thing to note here is that a court order is not required to investigate abuse reports and registrars must have a procedure for dealing with abuse reports and must publish that procedure on their Web site along with the abuse report contact email address. They also must have the email address and the telephone number for these reports in their Whois data.

Domain renewal requirements under the expired registration recovery policy or ERRP must align with the renewal notices that should be sent approximately one month and one week prior to the expiration of domain name and within five days after expiration if the domain has not been renewed. This is required whether or not the registration is set to auto renew. So even in the event of an auto renew registration, these reminders still should be sent to the registered name holder's email address.

The reminders can be sent to other email addresses besides the registered name holder email address but it must at a minimum be sent to the registered name holder email address.

UDRP issues that we've seen are registrars failing to verify that they are the responding registrar of the domain at issue in the UDRP to the UDRP provider and sometimes, you know, this is meant to prevent the registration from going to another registrant or registrar during the UDRP. So we do ask that registrars get in touch and respond to these verification requests from the UDRP providers. And I'll hand it back to Owen. Thank you.

Owen Smigelski: And now I'm going to move onto the continuous improvement update. One thing that compliance did this past - since London - was to remove the email confirmation that was done for who is accuracy complaints. Part of the thing was to speed up the processing but we also encountered that because some of the domain names are spam, are phish and similar to that that those emails are getting blocked in spam filtering systems so either the reporters were not receiving it or they weren't coming back. So that has been done but all of these complaints are still being manually reviewed by staff before sent to registrars.

Additionally the Web forms were updated to remind reporters that they need to request anonymity if they would like to otherwise their information will be forwarded to contracted parties. There are some complaints such as transfer or renewal or the UDRP complaints where that is not allowed because the registrars will need that information in order to address that compliant.

Additionally the staff - compliance staff and turnaround time which was previously just reported at the ICANN meetings has now been included in the monthly dashboard. The link is there. That's done every month and so you'll be able to see what the turnaround time is for compliance staff for the various notice phases.

Excuse me. Just briefly compliance staff has been engaged participating in the policy working group efforts within ICANN. Generally that's providing data trends to guide policy changes and, you know, provide some ongoing implementation strategies based upon experience compliance has seen from the complaints and what not. As you can see here, you know, the different working groups that the staff here has participated in. Next slide.

A couple of things that I'm sure everybody in the room are aware of some upcoming changes that we'll be having. There'll be an IRTP change effective the 31 of January regarding the client transfer prohibited EPP status. That will be something that can only be imposed when the registrant consents and it's included in the registration agreement. Additionally it must be removed within five days of a registrant's initial request and similar to retrieval of an off code. The mechanisms cannot be more restrictive than changing the contact or names of information.

Another policy change that'll be coming in February is the additional who is information policy also known as AWIP and this registrars must only use the EPP status codes that are defined in the policy. Certain ones such as active will not be permitted under that and there must also be a link to each EPP status code in the who is to an ICANN Web page explaining what that code means. Next slide, please.

Woman: So before we open the floor to the questions, I would like to give Allen an opportunity.

Allen Grogan: So some of you know me but a lot of you I've not met. I'm Allen Grogan. I'm just appointed as the chief contract compliance officer at ICANN. I'll also have a new position reporting into me consumer safeguards director.

There are pretty dramatic changes underway obviously in ICANN with the end of Iona in sight and with new GTLD's going onboard and those new GTLD's can include public interest commitments and new safeguards they haven't applied before. A lot of those safeguards are really directed at protection of consumer's generally, right, the antimalware and spam and viruses and other protections.

So one of the things I want to think about kind of at a strategic and analytical level is how - how we should approach compliance whether there are issues that we could be handling better, whether there are issues that we should be emphasizing more or less than we are right now. And I'd be curious to hear form all of you in terms of your experiences with that in the coming weeks as I try to - as I try to sort through those.

One of the other things that I want to do is I think contract enforcement is one thing but sometimes contract enforcement is not fully adequate to address consumer safeguards so I would like to think about ways consistent with our limit agreement and bottom up community stakeholder model that we might be able to go beyond pure contractual enforcement to help safeguard consumers.

And some ideas that I have that I'd like to discuss with you and other constituents is whether for example we might promote best practices, you know, that are not contractually binding but that would help to identify and marginalize the small percentage of registrars that are out there that are vampires in the community and I think that give everybody else a black eye. And if we - if we don't self-police - if we're not successful in proving that the multi-stakeholder model can self-police the industry, I think we increase the risk that somebody else steps in to try to do that and I don't think that's in the interest of the registrars or the rest of the community or the ICANN multi-stakeholder model. I'll turn it back over to (Megan).

(Megan): So Michael you want to facilitate the questions for us please?

Michael Neylon: You mean the...

(Megan): The Q&A.

Michael Neylon: No, no. I was just thinking about the - we do this three times a year where you come in and we beat you up.

(Megan):   Actually you don't beat us up. It's tough love; right?

Michael Neylon: Okay.

(Megan):   You know, (Phadie) always is awesome as our leader and a motivational leader. When he launches stuff we invite him - especially before coming to an ICANN meeting. Compliance has a tradition - okay (Phadie) come give us the right words. So our words for compliance this whole weekend - you see them in front of me - calm, confident, optimistic so start.

Man: Okay so we can destroy that slowly. In the queue we have Volker and then James and (Christian) and (Rob).

Volker Greimann: Hello everyone. Volker speaking and three small points that I would like to raise first of all. In the past months we have seen more purpose coming from ICANN compliance on what we see as actual bad actors with the enforcement action haven't been taken. That's something that's appreciated with one registrar that we had severe problems with or at least (unintelligible) had problems with being suspended and another registrar similar being discredited so that's something we really appreciated.

We also noticed that the quality of compliance that we at least perceived has improved. It's not perfect yet. We still get compliance where we think that compliance having looked at the compliance could have dismissed us out of hand but a number of these compliance has decreased dramatically and we certainly appreciate that. And the third and final point - the EPP was - the

ERRP was on the list, you know. I think it's bad policy because it creates confusion and anger with the customers that don't want to be spammed by emails that we have to send out.

But you have to enforce it because of policy and understand that and I just wanted to say that this is something that we struggle with sometimes.

Woman: If I may start. Again, optimistic and positive. I want to thank you for noticing the quality improvement but I also want to encourage each and every one of you. I cannot emphasize enough. If you do not tell us, we do our best. I am really honored to work with an amazing staff. I know the staff in Istanbul is listening and staff in Singapore might but we care. We are passionate about what we do and we want to do it with quality.

Please let us know about quality issues and please let us know about bad actors because we do and we have announced it at all the forums including the ALAC forum where we received opposition. We do want to make sure that the reporters are professional and also respectful of the industry we are in so we do suspend them. We do treat them - they get notices like we all do and inquiries regarding the ERRP. I cannot comment on that one Volker.

(Kelly):   Okay, thank you. Next I have James.

James Bladel: Hi, thanks (Kelly) and hello to (Maggie) and Owen and your team and Allen. You know, let's start everything off on a positive. I think that you guys are becoming much better to work with and I think more responsive and more professional - certainly leaps and bounds of where we were a couple of years ago and I think that the process continues to improve and there's some increased predictability that we didn't have previously.

I have a long laundry list of things, you know, rather than kind of just shoot from the hip at these three times a year meetings. I've actually kept a note percolating and then I say, you know, this is something that the next time I see compliance, I'm going to put that on my note for them. So I'm going to try to prioritize here.

The first one that I think is clear - you touched on it a little bit in Owen's presentation - is about setting expectations with regard to abuse complaints. There are a lot of - I want to say - people outside this room, outsides registrars and outside compliance are reading what they want to read out of the abuse requirements in the 2013 REA.

They believe that finally and I see (John) nodding his head - finally they have the third party beneficiary rights. They've always assumed they have all this time which is they can force a registrar to take a particular action against a particular site and if we don't comply or don't agree with their assessment that ICANN now will hold us, you know, hold our feet to the fire.

But I think we need to make sure that it's understood that our - that our obligations are to - as you noted - report contacts, folks' procedures, respond to law enforcement, you know, and all of those things but not to guarantee them any sort of outcome that if you jump through hoop X, Y and Z we will take down a site for you and I think that that's not clear.

And so, you know, that I think we need to maybe level set those expectations in the community. We had a report recently where someone said, you know, this site is doing very bad things. We looked at it. We couldn't tell. We're not the host. We can't confirm so we're not going to take down a site, you know. We can't do that.

Now later it turned out they used a stolen credit card for another product so we nuked them for that but we can't take down a site just based on accusation. So that's the first kind of major item is making sure that you're taking to the community this discussion that abuse - our abuse obligations are there. They are real. You are enforcing them but they are limited to what's in the agreement and not what people wish was in the agreement.

(Maggie): If I may respond to that James. Thank you for your first comment about level setting expectation. We all know the 2013 RAA has brought on a lot of new provisions, opportunities - whichever way you want to best describe it - or obligations as it relates to this audience and change has to be introduced and has to be learned.

So when we receive compliance of abuse as Owen presented earlier, we always make sure that you have been given that courtesy and we try to go that route. But in compliance my whole team - if I ask them now, they can tell you - the verb we have in compliance is ask. We don't like the other verb - assume.

So we always - when we come to you - asking for certain questions to help us understand. This is only because we want to be able to do our homework and make fact based decisions. We're not law enforcement agents but we do educate as Owen spoke to on the slide. We have done outreach activities across all areas individually and by different groups. So we do take that James and if you see again we're missing an option or an opportunity for improvement, let me know and we will work on that.

Allen Grogan: Let me just comment for a second too. I mean so I agree with you conceptually. I think there are a lot of people out in the community that have unrealistic expectations in terms of what the 2013 REA actually provides and

what registrars are obligated to do. I do think we need to do a better job of educating people.

I was at a dinner last night where there were people who did not understand that we're not a law enforcement agency or not a regulatory agency and so I think we have work to do in that area.

James Bladel: Yes, thanks (Maggie). Thanks Allen and, you know, I just want to emphasize that we're all trying to do the right thing but the 2013 REA does not - does not offer a guarantee that reports will translate into getting a registrar to take action, particularly if it's a content related issue and we're not the content provider.

One other quick one here and then I'll drop back and see if there's any time left over. We're having a number of operational issues with Iron Mountain regarding our data escrow deposits that are instead of becoming more of a technical and operational conversation between us and Iron Mountain are going to compliance first and then coming back to us. How do we short circuit that so that it's just our tech people and Iron Mountain's tech people?

Let me just set the stage and maybe this is something that you guys haven't - none of the other folks in the room have encountered yet but may will encounter at some point is our data escrow deposits are getting so large that they're taking the entire night to upload because of the bandwidth - the connection that Iron Mountain is giving us.

And they are failing our deposits because they start and end too far apart and for their systems that counts as a failed - we missed the deposit for that day. And instead of them calling us or instead of them telling us, you know, hey there's something wrong. Can you retransmit or whatever? I'm getting a

compliance notice. How do we get that operational stuff out of the picture of compliance so it's off your desk and it's off my desk and it's just the technical people who are smart enough can actually get it fixed?

(Maggie): Okay, I have (Paul Rudman). What we've done within our team - we've consolidated what we call common areas for registrars and registries and data escrow is one of the areas in that responsibility. If I may suggest James I would like to partner with you and Mike Zupke and (Paul) to understand what are the issues and where are these disconnects and we will regroup with Iron Mountain to see where are the missing links here and why are we getting those first and address them. Would that be okay?

James Bladel: Absolutely. I just - I think that it's an extra step obviously and we don't want to put our accreditation at risk because we've got a slow transmit.

(Maggie): Yes. So our first action item - (Paul Rudman) - he's going to regret...

James Bladel: I see a hand way back in the circus tent.

(Maggie): Right. (Paul) will take the initiative of initiating and meeting requests with the names I just listed and then we will bring on (Mary) from Iron Mountain but let's understand what is the issue and then we'll bring them on.

James Bladel: Perfect. Thank you.

Man: Thank you James. And just a reminder for the speakers, would you please say your name? That goes for ICANN staff as well as for registrars.

James Bladel: Michael Mr. Chair if you don't mind, I'll drop out. Could you just put me at the end of the queue and then if there's time I have a couple of other questions but I don't want to hog this clock here.

Michael Neylon: And thanks James. I'm not used to you addressing me as Mr. Chair but (unintelligible).

James Bladel: Well you did wear a tie, so...

Michael Neylon: And two days in a row too, I know. (Christian) you're up.

(Christian Milno): (Christian Milno) Chromium. I just wanted to shed the light of some other really super important compliance issues here and to illustrate what I'm talking about I wanted to show you what we got as a who is accuracy compliant.

                  We wrote in our who is domain status okay, more info and then the URL and we got the complaint that it should read for more information on who is status codes, please visit - enter URL. I think that's a really super important thing here and I personally think that most Germans would understand our more info even better than the original sentence but if that's a compliance issue, we are willing to do that.

                  Another compliance we had here is that we switched the lines last updated and then another URL to the status code so we did it the wrong way. I hear here today that we have some many pressing issues with abuse and this kind of stuff. On the other hand we are getting, you know, accuracy complaints like this that the sentence is not really completely literally quoted as in the contract. I have at least a suggestion that in the steps that you have on your

first frame that you, you know, don't count in these kinds of complaints that's possible so that we get the right impression.

You know, I don't know whether you understand me right but this is ridiculous from my point of view where we have abuse issues out there and we get this kind of stuff. Sorry.

Michael Neylon: Thanks (Christian). Maybe Owen or (Maggie) might like to respond or Allen.

(Christian Milno): It was not really a question I know.

Owen Smigelski: That's okay. Put them on the spot. It's okay. This is Owen Smigelski for the record.

You know, I would hope that that was actually sent to you as a who is format and not a who is inaccuracy complaint because that would not actually be an inaccuracy and what we try to do is...

(Christian Milno): You are right.

Owen Smigelski: When we receive these types of complaints and sometimes they are generated internally, you know, the 2013 REA is very strict in terms of what the output must look like and so we do enforce that and compliance does receive complaints about that and we do need to then forward on to make sure that the, you know, that the it isn't the who is output is in the correct format as required by the contract.

But we try to - as much as we can - if it is not an inaccuracy such as our complaints that we receive that information is incorrect because a country code is missing, instead of sending that to the registrar as a who is inaccuracy

complaint which then requires validation, verification. There's a 15 day timeline. We will do that as a who is format which does not require contacting the registrant which is something that the registrar can resolve internally generally. So we try to do that to reduce the workload and the burden.

Michael Neylon: Thanks Owen. Next in the queue I have (Rob) but just so you're aware of the queue, I'll give you who's in there now. I have (Rob) Elliot (John Berryville) and Jennifer and James is in last position constantly. I think we're pushing the other people in front of you.

James Bladel: Well no, wait. I wanted to be at the end when I said that. I didn't mean permanently at the end. I wasn't asking for the last word.

Michael Neylon: I see the Mr. Chairman has been dropped and now you're just arguing with me now.

Woman: Michael (Jeff) is also in the queue.

Michael Neylon: Okay, (Jeff) as well.

Man: Behind James.

Michael Neylon: Behind James, behind James. (Rob) please.

(Rob): Thank you. I have just a couple of quick comments and I'll jump around to them. You said the number one abuse reporting complaint was pharma. This room tunes in when we hear that and we all think yes, okay, whatever. It would be very helpful to me to actually hear what are the actual abuse complaints from a common registrant, not an organized professional lobby association that's very good at putting them in.

So I don't know if you can screen out, you know, the top - anyone putting thousands of abuse complaints in doesn't really help me fix my systems or educate my registrants more because we're not going to solve that problem frankly and we all know the three or four well organized groups that do it.

I would rather hear from you and I know it plays great for other crowds but what we'd like to hear I think or what I'd like to hear is what are the actual abuse complaints from the common registrants or from our more typical registrants that we might actually have a chance at solving to try and decrease them in the future as opposed to reporting on, you know, what I call the professional activity to the organized lobbyists saying using your systems to, you know, bang away at one specific thing because I will guarantee you my registrants are not - their number one complaint to you is not oh my God, there's illegal drugs on the internet.

So for me it would be very helpful to hear more of what, you know, take the professional activity you're seeing and only you can see it and know what numbers are those and report on more of the common man registrant - what is happening there?

The second thing that disturbed me a little bit about your presentation was you talked about verification and validation and I agree on that distinction and I agree it's important but I don't think we're actually required to validate data yet. There's a working group going on about that. so it concerns me a little bit that you're saying people aren't understanding the difference and when you ask them to validate, they're verifying well there's no requirement to validate yet that I know of.

So, you know, if they're providing you the verification data, that would probably be a proper answer at this point because they're not required to validate. You know, Allen I appreciate your wanting to go larger and I think best practices and that type of thing are very appropriate. I think we're maybe perhaps just a little premature.

I think with this new 2013 REA we're still teething and working through a lot of the problems. You know, some other people have highlighted a misunderstanding of what the REA is. So I think you'd find support in this group but I think there's still a little bit more work to be done. I'm just getting us to a state of stasis if you will on the 2013. And so I know from my perspective I'd rather see the effort put there right now.

It's come a long way as a lot of people have said but let's keep going on that front before we start lobbying more things at it in the terms of, you know, what else can we do. Let's solve the issues we have.

And I have one more question that I'd like a response to late or not necessarily now. The registry group is - you're getting pushback from them I know on the difference between a compliance complaint and an audit. And I'd like to understand what you believe the difference is between those two because clearly in my mind when there's a complaint from someone that we have to deal with, that's a compliance issue.

If you're deciding to do a review or a study or something along the lines of we just want to go out and we've had no complaint. We just want to go out and study this. To me that's more of an audit of our systems and they're covered very differently under our contract so I'd like to understand clearly because I think that's the next possible disagreement between our two groups.

Man: (Unintelligible).

Owen Smigelski: So I'll address a couple of issues through the abuse complaints. This is Owen Smigelski. We reported those were listed in order of volume so they use online pharmaceuticals and the other ones were listed in there but we can certainly provide some more metrics on that moving forward.

Regarding the verification and validation - the cross field validation is the one thing that's not required however I think it's 1A through E or through D is in force now and so there must be validation from a format for email address, postal address as well as telephone number that is effective now.

(Maggie):   And I would like to address a clarification on the - what we call preventive or inquiries versus audit. When - ever since I've been here there's not really an official audit program in place. We put the strategy and the methodology for the audit, shared it with the contracted parties and all the stakeholders to collect and put in feedback on it.

So the difference is a very simple answer. In audit we announce it and we have - we tell them which provisions are going to be. We do our reaches about. And inquiry is more of what we call a preventive approach to help gain confidence and alleviate some of the perceptions that are out there on the specific compliant type. For example the picks have been a big hot topic at the GAC and one of the big projects that compliance was tasked with for fiscal year 15 is to proactively review and look at picks.

And I'm using that - I know it's not relevant for this audience - but that's because you cannot wait until there is a harm to find out that we're not ready to take care of it because there has to be some remediation plan. So it's based on what is the sensitivity of the topic and the review underway.

(Rob): So I think you've defined a mass audit that you're going to do against everyone on that specific topic. That doesn't mean that you coming in and investigating my registrar to see if I'm compliant with my picks is not an audit as well. And so contractually they're dealt with very differently than dealing with a compliance complaint versus an audit of am I compliant.

So I'm not talking about the mass audits you do necessarily but I want you to understand that if you're going to come in and say I'm going to audit you as to whether you're compliant with your picture - whatever the other requirements are - we don't have picture of course but to us that's an audit. That means we treat it as such, not just another compliance requirement because it's a much more serious penalty to us if you will - failing an audit versus dealing with the compliance requirement.

Michael Neylon: Okay, thanks (Rob). I'm closing the queue now so that I have Elliot (John) Jennifer James and (Jeff) and the queue's cold as this session finishes at a quarter past. Thanks. Over to you Elliot.

Elliot Noss: Thank you Michael. Elliot Noss from two counts. Hello (Maggie). Allen welcome.

I want to go back to a comment I was making in the all things who is panel yesterday and I want to get a little bit more particular with this group, you know, we're in a more narrowly focused session.

We are finding and in my discussions with other registrars - this is consistent across registrars that the significant majority, you know, perhaps nearly all of the who is inaccuracy work that our organizations are required to engage in is wasted - is based on mass fallacious complaints. I want to focus very narrowly

on one element of this system and, you know, I want to note - I'm going to note at the beginning and the end why we need to remove all of the wasted work together - compliance, ICANN compliance and registrars. Registrars because it's simply a waste of resources and keeps us from stopping real harm. Compliance because you guys are the ones who get the pointy end of the complaint spear.

And so, you know, I've been - this is an issue that I've been talking about for years and I really want you to hear me coming from. I want to help you guys with this.

So very specifically, you know, there has been a decision made that it will not - we will not be provided with the name of the inaccuracy complainant. I've been trying for a while. I'm going to try again in this group. Whose decision is that? In other words and I don't want a department. I want a name. (Maggie) is that your decision?

(Maggie): No.

Elliot Noss: So whose decision is that?

(Maggie): I do not know. When I came on board there was an effort that was implemented to allow reporters to submit anonymous complaints. And that decision was there and it's - I don't have the history.

Elliot Noss: You've heard us - that's fine. You've heard us - me in particular - complaining about this for years. We were complaining from the time that process was taken down to the time that process was reinstated. If it's not your decision - if what I hear you say today is I'm simply following my mandate or my edict and it turns out - Allen do you have any idea whose decision that is?

Allen Grogan: So having been in this position for about 36 hours right now, no is the answer but I can look into it. So is just...

Elliot Noss: Just before - I'd like to be really, really precise on this. What I would like from you and I don't, you know, the answer can be a day, a week, a month. When will you get back to me or to registrars and let us know whose decision that is? In other words who owns that decision? Who should we be complaining to because, you know, I've bounced from (Maggie) to (Thadi) on this issue and everywhere in between and I don't know where to put my issue.

Allen Grogan: So I think the answer is it probably resides with me now so let's talk afterwards and...

Elliot Noss: Great.

Allen Grogan: I'd like to understand more of what the concern is. I have an idea what it is but let's talk.

Elliot Noss: Yes and I'd go further to say, you know, we have been collecting data both anecdotal. In other words here is a single horrible strict end macro. Here's how many complaints we're dealing with that look like this and, you know, I'm going to try and solicit input from other registrars and I want you to understand the value that I'm going for here. It's transparency.

                  You know, what we have right now is a perverse system where the individuals and organizations who are trying to violate other peoples' privacy are having their privacy protected.

(Maggie):   So we have - I heard the action item here. So I'd like to ask are there
                   problems. Are those complaints not valid complaints? If that is the case Elliot
                   please let us know.

((Crosstalk))

(John):   You've got one in your inbox.

Allen Grogan: (John) yes, okay. Thank you. I'm sorry. Go ahead. Go ahead.

                   I mean (Maggie) we've been bringing these complaints that whether they're
                   valid or invalid, if somebody submits 1000 or 100 complaints not based on
                   any particular harm but simply because of an inaccuracy in a fax number, in
                   the form of a phone number, what that is, is wasted work. It's as if the police
                   were sent to investigate every jay walker and every small bylaw matter. And
                   what happens is the murderers, rapists and thieves have a much easier time of
                   it and I don't think you or I want to be in the business of stopping jay walkers.

Michael Neylon: Okay guys, I think this could go on at length but I'm conscious of the time
                   and I've got a couple of other people in the queue so if you can follow-on
                   afterwards. (John) Jennifer James and (Jeff). (John) go ahead.

(John):   Yes, Elliot stole a good bit of my thunder because this protecting the
                   anonymity of people who are using the Whois data problem reporting system
                   to stalk, to abuse registrants. When the person elected to be anonymous, do I
                   understand correctly that they provide their identity to you and you are going
                   to shield them from the repercussions because I have one in your inbox - as
                   you know - legitimate registry. He has had problems with registrars. That
                   registrant has had problems with registrars for years. Every time he complains
                   to compliance, it falls on deaf ears.

He can't get auth codes. He can't transfer domain names. But because he has a stalker, every Whois data problem report gets sent to him. It costs him money. He has to pay me. It hurts him. You are protecting and harboring people who are abusing domain registrants and I want to know why. I want to get these people. I want to sue these people. I want to take things away from these people but you won't give me the information and I don't understand why.

Michael Neylon: Okay, thank you (John). (Maggie) do you want to come back on this?

(Maggie): I hear the frustration (John) and Elliot and everyone who clapped. I just can't remember everybody's name. I just want to make sure it's clear compliance is not protecting anyone. For some reason - again I know Elliot. I see it. I understand body languages and I see it across the room.

Elliot Noss: In fact you are. In fact you are.

(Maggie): Elliot may I please finish? Thank you. I know it's a passion. It's a heated topic. All I'm asking you (John) Elliot and everyone, what I can do today - today there is a provision in the contract that speaks to this inaccuracy and other complaint types. All I ask based on what is within our scope if there is an abuse, share it and we will take care of that and address it and if we fail you then please come tell me.

Elliot Noss: (Maggie) could you pull up slide 13 please? Could you describe to me how the added note to most submission forms reminding reporters to request anonymity is not protecting them?

(Maggie): It is aligned with what has always been with the who is inaccuracy.

Elliot Noss: I understand that's the format. You made a substance comment which is we are not protecting them. There it is in your presentation to us about how you are protecting them.

(Maggie):   And Elliot that message has been in all the monthly updates by request of many stakeholders and community members. They want to remain anonymous. When we do that, they understand that they need to follow the process.

Elliot Noss: Can you show us that data?

(Maggie):   What data?

Elliot Noss: You just said - you said two things. You said this has been in the monthly report that community members and I guess, you know, both the bruins and legit script are community members want to keep their anonymity. That's fine. Let's have that discussion. So right now they not only have their anonymity. They have you making sure that anonymity is protected. Let's have that discussion openly in the community.

I'm not talking newsletters. That's not the way things work. And again my greatest frustration here is I've been on this point now for three or four years playing whack-a-mole inside the organization.

(Maggie):   Yes. So I've been here 3 1/2 years. To your point it's been there before arrival and I'm not disclaiming it. I'm the head of compliance now and I will work with you. Wednesday is an open forum from compliance and you're going to have everybody from the community. Hopefully they'll stand up and talk about it.

Man: What time (Maggie)?

(Maggie):   It's Friday, yes. That's why we created the Wednesday outreach to bring everybody from the community to come in and have a dialogue. Michael's been there and many members.

Elliot Noss: I agree with you. I think it's a valid topic that we should open for discussion and, you know, I will look into it.

Michael Neylon: Okay guys, we have to move down on this queue. So I have Jennifer James and (Jeff) and I'm sorry to do this to you but please keep it brief because we're running tight on time here.

Jennifer Standiford: Absolutely. It's Jennifer for the - Jennifer Standiford for the record. I have two complaints. Actually I have three but we drilled down with Elliot.

My first one is this is something that we brought to (Maggie) and Owen's attention and they'll be happy to expand on that further tomorrow and Thursday is around the documentation of escalation procedures and this goes along the same lines of transparency.

So when a complaint is escalated from a first to a second to a third notice given all of the various different scenarios and how they take place, we've asked we need to receive documentation, work with you in order to create the documentation if need be and get that published out to the community. There's more and more registers coming on board on a daily basis. Registrars work in conjunction with compliance and the way that we respond to our complaints at this point in time has only been through email. It's a mechanism that's not always reliable.

We've provided examples of when we've sent back responses for when we didn't receive it as a registrar from ICANN given our mail servers or whatever might be going on, on the side of the registrar, the same on the (unintelligible) IT. It's not the most reliable way to communicate with one another.

I understand the registrars or the registries have the ability to use Sales Force, you know, a tool that we're going to work with. (Christopher Giff) in order to roll that out to the registrars. I know you all are as excited about that as we are. We want to be able to see our tickets, where they are in the queue, make sure the information's been uploaded. That needs to happen.

It's a little disconcerting that it's rolled out completely for the registries as far as I know given the fact that the registrars receive - I don't have the stats but probably, you know, two to three times the amount of complaints than the registries. So that's a little disconcerting, you know, I'd kind of like to understand where the registrars missed the boat on that. Was it our fault? Was it theirs? Who was prioritized one over the other but we can address that later.

And along with the documentation of the escalation procedures we want to make sure that we hone in on something that has always been raised around SLA response times. Response times are getting better. They're more efficient but there has to be a mutual commitment. The registrars are required to respond by certain timeframes based on the REA. We need to see the same response times out of compliance and we need to make sure that those response times are documented.

You know, we are on the hook for making sure we respond in X period of time. You know, we sit on the other side with bated breath, you know, trying to avoid a breach or trying to avoid a third notice. Some of our tickets are closed without notice. Some of them get escalated without notice so we're

constantly in the state of moving targets. I'm not saying it doesn't keep me up at night but sometimes it does and I want to avoid that as much as possible and I think there are other registrars in the room who feel the same way.

(Maggie): So to be mindful of the time - regarding the first and third comment Jennifer made on the documentation in SLA. We are working on publishing - we have the process publish but we're going to add the words to the documentation. We've also provided it in the presentation and SLA's - we do hold ourselves accountable to SLA's and we have internal daily standup meetings to discuss those and we are working on publishing them which you saw already we started to do so but we will also make sure we follow-up.

We are following up but we've seen some places where we are not so you have our commitment to do so. Regarding the second item for the technology and Sales Force - I know we are all anxious to get on that enterprise but like we call it but there is a timeline and we're all in queue for that.

Jennifer Standiford: So the only thing Allen I'd like to ask for you is to make sure that we get a timeline around the sales force and a timeline we committed to because as registrars we have projects every day. We have deadlines. We have to hit those deadlines or there's a negative impact whether somebody is fired for it or there's an impact to the budget. We want to make sure that the appropriate parties are accountable and held to those deadlines, number one.

Number two, around the documentation of the escalation procedures, we'd like to work in conjunction. We don't want a documentation being put forth and published and said here it is. This is what you've asked for. We want to just make sure that we've circulated and that every registrar has the information in there that they believe is necessary along with timelines. So if we could work together to finalize that, that would be appreciated.

Michael Neylon: Okay guys, we're really, really tight on time here. I have James and then (Jeff).

James Bladel: Hi. So actually I think we might be - (Jeff) and I might be touching on a related subject here. This is James speaking for the transcript. No? All right. I'd like to talk to you a little bit about the who is specification. And now for those of you who aren't familiar - the 2013 REA says, you know, you'll do all of these things and you will abide by the who is specification. Okay and so we've got this who is specification but there are things that let's say are in the who is specification that almost have implications for the broader agreement but it's not clear that if the who is specification changes is that effectively an amendment to the REA if that format changes?

I'm going to give you an example. (Jeff) and I - we were talking about an issue about a month ago or something where the who is specification has a field that says reseller - resell. And if you are using a reseller, that's where you can put the name of that reseller and then (Rob) - I think very correctly - pointed out well I don't want to put reseller blank if it's not a reseller. I don't want to teach my customers that they should be looking for a reseller in who is so I want to leave it out.

We were told by compliance you can't leave it out even if the data is empty, you know. And I think the interesting thing about this whole discussion is if you go to the REA itself, nowhere does it say you have to collect the name of the reseller. Just the fact that it has a placeholder in the specification that is binding somehow means imply or suggested that we should have been collecting that all along. So that's just one thought.

The other one that's really driving us nuts on our team and they've asked me to come back on this until we get some change is how do we get that abuse point of contact email address moved in who is? We understand it has to be there but it's in the wrong place right now and it's flooding our abuse channel with complaints about the Web site. I don't like this picture. I don't like your politics. I don't like your religion.

They think they're contacting the webmaster for the site, not the registrar. They're not complaining about abuse about the site. They think that they're - that's the abuse point of contact for that Web site. And if you look at it, the reason is because of where it's positioned in who is, it looks like it's directed at the Web site. We've got to get that moved. We've got to get it closer to registrar - move it to the bottom of the list, move it to the top.

It can't be where it is because I can tell you, you know, we're all kind of like yes, that's got to be an annoying thing. Not when you have three people whose job it is Monday through Friday to sift through the crap that come through that email address - the mountains and mountains of misdirected abuse complaints that really are meant for that Web site that are landing on our desk tying up our people, tying up our resources and it's meant to be a resource but, you know, it's actually I think in reverse right now and it's confusing the heck out of people.

Volker Greimann: Just cutting in here - James is absolutely right and it's not just abuse complaints that we get. There's a billion scripts out there that scan the who is for email addresses and try to contact the registrant for purchase inquires, spam or anything else and the abuse address is the first in the who is now but they'll change of course their scripts because they're lazy because they're spammers and that means that we in abuse queue get that spam and this also

means that we cannot do our jobs to investigate proper abuse because we are inundated with spam and useless emails that cost time.

James Bladel: Yes and to Volker's point, you know, before let's say we would receive 100 complaints a day and 90 of them were legitimate abuse complaints that required investigation and that number can now spike to 10,000 complaints a day but we're still looking for those 90. That number hasn't gone up.

So you see the problem is that the signal of the noise has gotten completely out of whack and it's all noise now. And I understand the intentions were good behind let's put this address in who is but you need to understand the implications of it. We've ruined that channel now as a legitimate means for reporting abuse.

Michael Neylon: Thank you James. Thank you Volker. The simple question we're asking you is how can we move that and maybe you don't have the answer here and now but we need the answer on this.

Man: Yes, I don't have an answer on the fly but I'll look into it.

Michael Neylon: (Jeff) over to you.

(Jeff Ecows):   Thank you. I guess hopefully this - I get the last word here in. (Jeff Ecows) I guess for the record.

So James the issue you brought up is something I wasn't going to bring about specifically but one of the things that I think is a theme you've seen here today is there is a direct - there's a discrepancy between the interpretation of the 2000 REA - what we believe it says, what we believe the meaning and what compliance means.

This retailer issue that James brought up, you know, it's like oh you must - if you're a seller or a reseller that must be shown in the who is no matter what. And I was on the REA negotiating team and I was there when we negotiated it and I know that wasn't the intent and what was said but ICANN compliance is coming out and saying no, that's what it means and to me right now there's no path to escalation. There's no path to discuss this with anybody else and, you know, if you as a red star don't like it, we can send you a breach notice and it's our decision and too bad.

So something - I don't want to go into those specific ones but something to think about is we need some sort of path escalation on interpretation issues because yes, we understand it's a contract and we negotiated and we're both there but people are going to take certain lies and certain things different ways and, you know, we're at two parties to it so we need to think about how both parties come to an agreement and it's not an unilateral decision on what the interpretation of the REA is. So it's something I think we should start moving forward on.

I don't know how that mechanism is or how it's done but I think it's something that needs to be put in place as soon as possible. Thanks.

Michael Neylon: Thank you (Jeff). Thank you (Maggie). Thank you the rest of the entire compliance team and we look forward to hearing from you on the specific issues that we've raised today.

Registrars, we now have a break so if we probably stop the recording for this session and the break runs until 10:30.

(Maggie): So thank you everybody. I really mean it. Your feedback is always welcome. Some we can apply. Some we can't. But the most important thing - I want to thank you for your collaboration and the opportunity to be here. Have a great day.

Michael Neylon: Okay everybody, the break is until 10:30 local time. Please try to be punctual so we can get restarted again on time. There's coffee towards the back of the room apparently.

Woman: I just want to make everybody aware that coffee's in the back of the room.

Michael Neylon: Okay everybody, we're going to start back up again so could you please take your seats?

Good morning everybody. This is Michael for the record. We are now moving onto the next section on our schedule where we're getting an update from (Kaitlin Tubergan) on the change of registrant policy. This is an ICANN speak IRTPC - inter-registrar transfer policy - PDPC - the change of registrant policy. So for those of you who are in the room, please take your seats. If you want to continue conversations, please step outside the tent. Over to you (Kaitlin).

(Kaitlin Tubergan): Thank you Michael. For the record this is (Kaitlin Tubergan) Registrar Relations and Contracts Manager.

A couple of weeks ago Michael and I believe James asked me to present some information on this upcoming change of registrant policy to the registrant stakeholder group. We're currently in the process of reviewing draft language of the policy and I will be presenting some of what that draft language is or how it will affect registrars and open a little Q&A about this.

So the recommendation defines change of registrant as a material change to the registrant name, registrant organization, registrant email and the administrative contact email. So any time any of these deals are changed, it would trigger what will now be the change of registrant process under this policy.

So this slide shows the steps that would take place under a change of registrant process. The first step would be for the registrar to confirm that that domain name is eligible for transfer and in an upcoming slide I'll go over the circumstances where a name would be ineligible for transfer.

Man: (Unintelligible).

(Kaitlin Tubergan): Oh, sorry about that. Sorry. Sorry about that.

Once the registrar confirms that the name is indeed eligible for transfer, the registrar would need to obtain a confirmation from the new registrant and that confirmation would be through a key. The key is defined in the policy as a code, pin or unique password that is used to facilitate a change of registrant.

Thirdly, the registrar would have to obtain confirmation from the prior registrant - also through this key. Following the change the registrar needs to notify the prior registrant and the new registrant that this change has been completed and lastly they would advise the prior registrant of a 60 day inter-register or transfer lock and that was part of the recommendation in the final report that once a change of registrant goes through, a safeguard to the registrant would be to have a 60 day inter-registrar transfer lock. The registrar can't opt out or allow registrants to opt out at this 60 day transfer lock but the registrant would have to affirmatively opt out.

The following names will be ineligible for a change of registrant and that would be expired name that the registered name holder can no longer renew and that's subject to the expired registration recovery policy.

If the change of registration is not properly authorized - in other words if the pin has not been properly transmitted from the prior registrant and new registrant to the registrar if the name is set to a registry imposed status such as server transfer prohibited and that's really to cover names that are subject to a URS or other registry imposed lock. If there's a court proceeding in a relevant jurisdiction or an appropriate jurisdiction that would prohibit a registrant and names that are subject to a TDRP or a UDRP would it be ineligible for a change of registrant.

Names that could be ineligible for a change of registrant would be registrar imposed client transfer prohibited or if the registrar has the name locked - a dispute involving the identity of the registered name holder or the validity of the change of registrant process.

The third item up there I believe was requested by a member of the implementation review team and that was that the registrars previously prohibited the new registrant from using its services. So if the registrar - if there's a known spammer and they do not want to do business with this registrant, this policy would not be a way to transfer a name to an individual that the registrar does not want to do business with.

And lastly another reason that was requested by the implementation review team was that the proposed new registrant does not meet the eligibility requirements of the TLD so that could be a geographic research for example or any restrictions that the new TLD's have.

So that concludes the overview of the process. I see James looking at me. He's a member of the implementation review team. Michael is also a member of the implementation review team and so they are - they are also members of the working group so they know a lot about this and if he would like to speak or if anyone has any questions, please feel free.

Michael Neylon: Thank you (Kaitlin). Michael for the record. I'll hand it over to James.

James Bladel: Thanks and thanks (Kaitlin). I thought that was a very concise presentation. There have been some questions on the list so I just wanted to give some background to registrars since we're all in the room is that this change of registrant procedure - when it came out of IRTPC I was the chair of that back in 2012 or something like that. I think it ended in late 2012.

The thinking behind this was everybody has this process this, you know, maybe it's just as simple as I go into my control panel and I see where it says registrant James Bladel and I just type in Michael Neylon and I have simply transferred that name to Michael Neylon right.

But I think that what we have all learned is that the real world is a little more complicated than that. Has this new person accepted the terms of service and your contract? Has this new person - is it a real person now that we have to verify them? Is it someone who is eligible? Is it someone who maybe you kicked off your platform because they violated your terms of service? So all of these questions were kind of circling around this issue.

What we wanted to do was put something that was a little more formal where it's kind of sending a notification which was like a link that you could click or a token password which just says please confirm that you want to accept this

name. Please confirm that you want to receive this name and both sides would expressly agree to becoming the registrant of a domain name. And we wanted to do that in such a way that it didn't interfere with the aftermarket which was very active in this group and the aftermarket folks were very concerned about any kind of locking or a burdensome thing that could disrupt their transactions and the mobility of domain names on the aftermarket.

So that's why we have opt outs so that the aftermarket folks can put an opt out in their terms of service that when you listed the main name for sale or made an offer to buy it that you are opting out of that lot. So that, you know, should help address those concerns.

I think that for the most part this is compatible with what everyone that we spoke to back in 2012 already is doing, you know. It may make some informal practices formal. Certainly, you know, after our last session we're all very leery about giving compliance something new to push off on but I think that, you know, this is going to improve some of the - standardize some of the registrant experience in the industry so that when they go to different registrants they know what to expect in this process.

So that's the thinking. That's the context and it's been a very difficult road to get to here and I just want to say thanks to (Kaitlin) because she's been leading the implementation and I'm sure she, you know, on many calls she's bashed her head into the desk and wondering how she's ever going to heard all these cats to go in the same direction so that's the background.

Michael Neylon: Okay, thanks James. Just another quick comment about myself as I'm on this as well - Michael for the record. Just so people are aware - this is the result of a full PDP so if people want to give input to us and everything else, that's perfect. But if you want to completely kill it or anything like that, we would

have to actually go back to the GNSO and complete the reopen thing so just so you're aware because we have had some - how can I phrase it - some interesting input from people who rather than helping with the implementation thought that they could completely undo a full PDP which doesn't really work.

I have a queue. I have Volker then I have (Joy) and then Olof.

Volker Greimann: Yes, just one question for a better understanding. Coming into the session I thought I understand the PDP outcome and the proposed changes to the transfer policy and coming out of this presentation I'm now a little bit more confused which might be the case because you seemed to have been using transfer and change of registrant interchangeably. So when you say transfer, do you actually mean an inter-registrant transfer or you mean a transfer of the ownership of the domain name?

(Kaitlin Tubergan): Sorry. That was my mistake Volker. I've been trying to use change of registrant instead of inter-registrant transfer because it sounds too similar to inter-registrar transfer. So if I said anything about transfer, that was a mistake. In terms of the 60 day lock, that is a 60 day inter-registrar transfer lock. And in the event of a mistaken change of registrant, the prior registrant would be notified and it would still be housed in the same registrar for 60 days if there happened to be a mistake if the registrant did not opt out at that 60 day intra-registrar transfer lock.

Michael Neylon: Thanks (Kaitlin). (Joy).

(Joy): Hi. Maybe I didn't read it correctly. Your slide one says that 60 day loss - you have to send a notice to the prior registrant. Isn't it supposed to be going to the new registrant?

(Kaitlin Tubergan): The notice goes to both the prior and the new registrant but the prior registrant would have been the entity that would have opt - that would potentially opt out of that lock. So the notice could say you have opted out of this lock or it could say the name is now locked for 60 days. It would go to both parties.

(Joy): I would think that the new registrant would be the one that should know that he cannot transfer the name out of the 60 days that really already left at the old registrant - the prior registrant. Okay, I just wanted to clarify.

And my second - I have a second question. We found that some registrars - they - every time a domain is updated then for the 60 day block there they cannot transfer and then update it including the renew, okay. So I was just wondering - see what your take on that.

(Kaitlin Tubergan): I think this policy limits the 60 day inter-registrar transfer lock to a change of four fields which is registrant name, registrant organization, registrant email and administrative contacts email.

(Joy): Okay so a registrar can just - if a registrar's a business policy that this man is renewed today, the man cannot be transferred out tomorrow within 60 days from there. It's okay with ICANN, right if the registrar's business policy to prevent a new domain name within 60 days that cannot be transferred out.

Mike Zupke: Hey (Joy) this is Mike Zupke ICANN staff for the record. So what we're talking about would not change the existing rules and the transfer policy that say there are certain bases for which you are allowed to deny a transfer and there are certain ones for which you may not. And I'm speaking without

having a transfer policy in front of me but I don't believe that renewal is an acceptable basis for denying a transfer.

(Joy):   Okay, there is an employee advocacy that happened to us - some of the names that couldn't transfer to us because just renew. Thank you.

Michael Neylon: Okay, before I go to Olof we have one question from (Dan Rogers) on remote. What if a current/prior registrant is invalid and therefore can't receive the email?

Woman: Thank you for the question (Dan). If the pin that is referenced in the policy cannot be properly transmitted to the prior registrant and therefore not properly transmitted to the registrar then that would not be a proper change of registrant and the registrant shouldn't be changed.

Man: Yes, I think in that question - sorry James - jumping in on that. it really should go through the invalid who is process first and get that problem fixed before you try to do a change of registrant unless and I believe - I'm guessing because I don't see (Dan)'s question. Unless he's saying the change of registrant is the remedy to the invalid who is.

Michael Neylon: It's Michael for the record. He hasn't actually put anything further on there but I think he was referring primarily to the email address as opposed to a full change of the registrar record.

Woman: I wanted to jump in. (Dan) you might be talking about an "immaterial change to someone's email address". So if I were to change the first letter of my name (Kaitlin) with a K to (Caitlin) with a C, the policy does define a material change. And so if it seems to be an immaterial change like a one letter change to a name then that wouldn't be a change of - that would not invoke this

policy. And material currently is largely left to the discretion of the registrar to determine if this is a material change.

Michael Neylon: Thanks (Kaitlin). Olof.

Olof Nordling: Yes, I have a couple of questions. First I may have missed it. What's the time table? When do we need to comply with this policy? And do you want me to ask the second one too?

Woman: I can answer the first question first. Thank you Olof. This is still draft language. It hasn't gone through public comment and so it will go through public comment probably within the coming weeks and all registrars are welcome to submit the texts to your companies and provide public comments. So that's at least 60 days of public comment and reply period.

I am guessing that the earliest this would be effective would be January of 2016.

Olof Nordling: So this still needs to go through the GNSO council for approval?

Woman: No.

Olof Nordling: Just the public comment?

Woman: Yes but then there would be a reasonable time to within which to implement the policy and we would ask the implementation review team which several registrars are a part of for reasonable time to implement something like this.

Michael Neylon: And just to add to that - Michael for the record - because I think this is causing a little bit of confusion. Essentially to answer your question and to

address the kind of quizzical looks I'm guessing from various people around the table. The PDP ran its course. The PDP has a number of recommendations. This is one of them so all of that went to the GNSO and was signed off on.

What this is, is the implementation aspect of it where you're taking the policy, converting it and operationalizing it and the implementation working group has been dealing with this on and off over the last couple of months and it's been drafting language. Registrars should, you know, if they're interesting in getting more involved with this, contact (Kaitlin) and harass her. Sorry (Kaitlin). And then of course it will go to public comment within the next few weeks at which point of course we can also put in - well we individually or whatever can submit extra comments on that but it doesn't go back into the GNSO and if there's any reason why it worked unless I'm missing something completely. Am I? No, I don't think so.

So the dates - the dates for compliance haven't been published because you can't comply with a policy that hasn't actually been written so don't worry about that yet.

Olof Nordling: Okay.

(Kaitlin Tubergan): Olof I did have one quick comment. Sorry. This is (Kaitlin) again for the record. I know that Michael already did send a draft of the policy to the registrar stakeholder group approximately two weeks ago. We can resend it. And if you have any questions, you can email me directly and I'll make sure the implementation review team is aware of all concerns. Thank you.

Michael Neylon: I have one question.

Olof Nordling: I have a second question.

Michael Neylon: Okay.

Olof Nordling: Which is I got a little confused from the discussion about the email and I'm getting a little worried about it because I just want to give you an example. Someone registered the domain name, put in their email. That email is not relevant anymore. They lost the account in Gmail. They want to open a new one. Now they want to change that email so are you - did you just say you cannot do that because you cannot confirm using the code? That's why - because that's what I heard that that even is not active anymore. They're not going to get that lingual code to their old email. They want to change it to their new email. How is this going to work?

Mike Zupke: Olof this is Mike Zupke again. So one aspect of the policy that, you know, we didn't have in this detail on the slides but the only way to get the key or the pin is not email. You could log into your control panel to obtain the pin if you lost credentials to your control panel, whatever normal ways that you're ready to start (unintelligible) authenticating you in order to transmit the pin to you. Those would all still be acceptable.

Michael Neylon: Okay, I have one question from remote and then I'll go to you (Rob). Sorry, I'm just prioritizing people who are not physically in the room in Los Angeles because there are challenges and everything else. So the question is from (Benny) and I can't scroll back up there. Hold on a second. Damn it.

                   One of the - (Benny) from Northridge, one of the new TLD's has removed the 60 day lock for transfer on a new domain. Will this interfere with this lock?

(Kaitlin Tubergan): This is (Kaitlin) again for the record. This is a separate requirement and so I don't think that that would interfere with that lock but the registrar again can offer and opt out if the registered name holder is not chosen to opt out following a change of registrant. The name would have to be a 60 day inter-registrar transfer lock. I hope that answered the question.

Man: And (Kelly) can (Benny) tell us who because I would like to see which registry is going to take that - right now that's a registrar prerogative and I don't believe they can remove that capability from a registrar.

Michael Neylon: (Benny) is following remotely so maybe he'll update us.

Man: Yes. If (Benny), you know, if (Benny) you want to send that to the list or something, I'd be very curious to see how that plays out in the real world - how registered terms of service could somehow trump an ICANN consensus policy.

Michael Neylon: Okay, thanks. He said he's going to check into it. I've got (Rob Vilnov) in the room and then I have (Dan Rogers) remote.

(Rob Vilnov): Hi, (Rob Vilnov). I haven't reviewed the policy thoroughly so this question might be totally answered already. But for the change of registrant and administrative contact email does it take into account privacy and proxy services? So would a customer enabling a privacy or proxy service or disabling a privacy or proxy service need to trigger an actual change of registrant procedure.

(Kaitlin Tubergan): I just want to make sure I'm understanding the question properly. So if someone registers a domain name and then were to enact a privacy or proxy, would it trigger a change of registrants?

(Rob Vilnov):   Correct.

(Kaitlin Tubergan): I believe looking at the language of the policy - the plane language of the policy - the answer would be yes because the registrant email is changing and so again that might - Mike did you want to say anything? Okay. So yes, I believe the answer would be yes. It would trigger the change of registrant and the pin would have to be exchanged.

Mike Zupke: So this is Mike also - Mike Zupke again with just a little bit more clarification. And, you know, one more thing that's not in this level of detail on the slides but is a practical matter - if the domain name is not leaving the customer's account, the entire process is essentially invisible to the customer because the customer is going to receive a pin from the registrar, give it to itself, give it back to the registrar so we don't actually expect registrars to make that process happen. So if the domain name stays in one customer account, the customer's authenticated, you know, through login or whatever.

So in the case of a proxy service if your registrar allows the customer to manage its domain name in one account regardless of whether the proxy service is the registered name holder or not then as a practical matter this is all invisible to your customer. If the name actually has to be pushed to another account, that's when this process of exchanging the pin would really become effective.

Michael Neylon: Okay, thanks Mike. I've closed the queue. I'm going to take one question remotely and then we have to move location to join with the registries in the constellation room which is back in the main building at the plaza level. For those of you who were at the registry with (unintelligible) thing yesterday, I think it's the same room.

Anyway so we have one question from remote from (Dan Rogers) again. Would anything prevent registrars from including a blanket opt out for all customers in their standard registration agreement?

(Kaitlin Tubergan): Thank you for the question (Dan).

The policy currently requires that the prior registrant - the registrar offers an opt out and the prior registrant affirmatively accepts the opt out or affirmatively opts out of the 60 day inter-registrar transfer lock so that would be ultimately a question for compliance.

If the registrar has in their registration agreement if they opt out of the 60 day inter-registrar's transfer locks following a change of registrant then the registrar could present that to the compliance department if a complaint was filed.

Mike Zupke: And this is Mike again. Just, you know, one small point in that that, you know, we recognize that's in a way that's against the registrar's interest to make transfers away easier. So, you know, to the extent that we do that we see that as sort of a consumer friendly thing but we also, you know, see this as an anti-hijacking measure so I think there's, you know, I mean I think that sort of the marketplace is going to solve that whether that's a good or a bad thing in itself.

Michael Neylon: Thanks Mike. (Joy) please make it very, very quick.

(Joy): Yes, I just want to comment. I think that ICANN should be really just working on the inter-registrar transfer policy instead of this registrant transfer because every registrant has the different platform, different design. And if somebody

- a registrant wants to change names from (unintelligible) and, you know, it's really has nothing to do with ICANN policy or anything, okay. That's my comment.

Michael Neylon: Okay, thank you. So everybody - thank you (Kaitlin) and Mr. Zupke. We are moving to the constellation room which is down at the plaza level at the main building. The registries are running a couple of minutes late so we are okay on time but if you could all move down there, we'll continue on there. Thank you.

James Bladel: Just the constellation room was the room for the GNSO counsel sessions over the weekend and the sessions that (Jeff) had with the registries yesterday just for those who haven't learned the names yet.

Michael Neylon: Yes, thanks James.

Woman: (Unintelligible).

END