Transcription ICANN Toronto Meeting

Regitrar Program Discussion Compliants Update into Platform Demo Meeting

Tuesday 16 October 2012 at 09:00 local time

Note: The following is the output of transcribing from an audio. 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.

(Matt): Okay folks, we're going to get started here. Good morning, just a quick note, the session is being recorded as well as being broadcast through the Adobe Connect link on the ICANN site.

This is the registrar stakeholder group meeting on Tuesday. Let's just do a quick roll call. We'll start here. I started yesterday on the left-hand side of the room so we'll start on my right.

Do a quick roll call around the table and then we'll get folks - if anyone's on the dial-in bridge, on the phone, we'll get them to announce themselves as well. And then well get going.

So let's start down on the right, thanks. Yes, at the end of the shoehorn, sorry.

Man: (Unintelligible) domains.

((Crosstalk))

Man: ...the remote participants. We will be shifting the call from one - so you will be connected to the next call but it will be a different recording, just stay on the line and you will be transferred to the next call.

Man: (Unintelligible)

(Tristan):   (Tristan) (unintelligible).

(Kelly):   (Kelly) (unintelligible).

(Tom Barrett):   (Tom Barrett), (unintelligible).

(Neil):   (Neil McPherson), (101 Internet).

Susan Foster: Susan Foster, Domain Allies.

(Stephan):   (Stephan) (unintelligible), PSI USA Internet (unintelligible).

John Berryhill: John Berryhill, I-Registry.com.

Tim Cole: Tim Cole, ICANN.

Wendy Seltzer: Wendy Seltzer, ICANN.

James Bladel: James Bladel, GoDaddy.

Mason Cole: Mason Cole, Columbia Names GNSO Counselor.

Man: (Unintelligible).

Matt Serlin: Matt Serlin. (Unintelligible) is also our Secretary Elect, you forgot to identify
                  that. I'm the Chair of the Stakeholder group.

Man: (Unintelligible), key systems outgoing secretary and incoming (unintelligible)
                  counselor.

Jeffrey Eckhaus: Jeffrey Eckhaus, E-Nom and Vice Chair.

Stephane Van Gelder: Stephane Van Gelder, so outgoing GNSO Chair, incoming NomCom (unintelligible), NetNames, thank you.

(Ben Anderson):   (Ben Anderson), (unintelligible), Domain Name Ninja.

Mike Zupke: Mike Zupke, ICANN staff.

Man: (Unintelligible), Berlin.

(Jennifer):   (Jennifer) (unintelligible) .com.

(Nick):   (Nick) (unintelligible), .com.

(Sean Wilky):   (Sean Wilky), Last Domain.

Man: (Unintelligible).

Man: (Unintelligible).

Adam Eisner: (Unintelligible) electricity, Adam Eisner, (unintelligible).

(Brian):   (Brian) (unintelligible), Domain.com.

(Desiree Boxford):(Desiree) (unintelligible), APlus.net.

(Sara Wild):   (Sara Wild), APlus.net.

Bob Mountain: Bob Mountain, (unintelligible) media.

(Mike Murphy):   (Mike Murphy), (unintelligible).

Man: (Unintelligible).

(Mike):   (Mike) (unintelligible) with (unintelligible) from Brazil.

Man: Great, thanks everyone. I don't think we have anyone on the phone bridge so we don't need to do a roll call there.

Man: (Unintelligible).

(Matt):   Yes, if there are other registrars in the room, I don't know if there's any - I don't see any mics out there but maybe you could just stand and identify yourselves. You have a mic? I can't see the rest, I'm too short.

                        Okay, great. Well, we've got a packed schedule today as you can see here so I want to get things started and turn things over to our registrar relations folks at ICANN. They've got some things to go through and then we will get rolling through the morning program, which will take us until about 10:30. And then we'll break for about 15 minutes at that point.

                        So I'll turn things over to Tim and (Mike) now.

Tim Cole: Well, good morning everyone. You know, (Matt) likes to put us on at the very beginning so we can wake you up or put you back to sleep more likely.

                        But I just wanted to give a quick update about the registrar relations team and what's going on and then I'm going to turn it over to (Mike) because he's got a presentation that he wants to share with you and get your feedback on.

                        But basically, a couple pieces of news, we will be - we are planning to do a regional event in Europe towards the end of January and we hope to be able to announce the details fairly shortly. So that's going to be coming up.

We have hired another person for our staff, she hasn't started yet but she'll start in early December so we're pretty excited about that because we've been short-staffed for a while.

And we're - you know, we're going to be working in more of a - we're kind of refocusing our emphasis and part of this was in the works before Fadhi came along but certainly with his arrival and emphasis on being - you know, we're targeting on being much more supportive in a service capacity rather than just sort of reaction - reactionary. I'm not saying we're reactionary, we just react a lot.

But anyway, you know, we'll be here all day and Wendy's here, she's helping us with the remote participation. She works for Kurt Pritz. Now I'm going to let (Mike) give you a presentation. (Mike) is the Director for Registrar Programs.

And so under that - in that capacity, (Mike) - in that capacity, stop talking, he oversees, like, the training program and some of the other programs that we administer as part of our charge in supporting of the - support of the registrar community.

So he's going to give you a presentation about one of the programs that he's been involved with from Day 1 and I'll turn it over to you, (Mike).

(Mike):   Great, thanks, Tim. If you'll just give me one moment to change the slides. How do I do - all right, good. So normally I'm here and I give a bunch of statistics and figured since it's early I'll dispense with that and just get right into the interesting stuff.

So my role on the team - at least the part that I really enjoy is creating new programs, things that are both to protect registrants and enhance competition in the marketplace. And so sometimes we create programs. And we decide over time, you know, they need to evolve, they need to be changed.

So what I'd like to talk about today is one of the things we've been working on and we sort of realized that there's need for some of that evolution. All right, okay, thanks.

So I don't know - I think probably a lot of the people in this room are familiar with the deaccredited registrar transition procedure whether you know it or not. I call it the (DART), not a great acronym.

Anyway but the idea of this is - it's a process that staff uses and has developed in consultation with the community to figure out what do we do with the names of a registrar who has been deaccredited or had its RRA terminated.

So, you know, as I mentioned, this was developed largely at the ICANN meeting in India in 2008. We had a big workshop, we had lots of people participate, we got lots of great input. We took that, we created a written procedure from it, we posted it for public comment. And eventually the Board looked at it and gave it their blessing.

So we've been using that for a while now, since 2008. We've used it roughly 18 times, maybe a little bit more. And, you know, for those who have used it or who have been involved in these processes, you know, we've transferred, you know, at least 18 registrars. Sometimes there's a matter of a couple hundred domain names and sometimes there are tens of thousands of domain names.

But - so, you know, I mean - you know, it's been pretty well wore down, we're ready to sort of figure out what else needs to be done. And just to be clear, you know, the process that we had developed had sort of ambiguity in it or opportunities where we could sort of, you know, develop the process as we went.

So, you know, I call those the gaps. We sort of filled in the gaps with different steps but I just want to give you a quick overview of what we're doing right now when a registrar - this doesn't, okay, it looks like it's already.

So what happens? A registrar gets deaccredited and typically the compliance team will work with our team to try and coordinate the timing of that so that we are able to have an orderly transition.

And the first thing that we do or that the compliance team in fact does is they say to the deaccredited registrar, would you like to name a (unintelligible) registrar? There's no guarantee that we'll approve it, for example, if the named registrar was not in good standing with its obligations, we would not approve that registrar.

But we give the losing registrar - or the deaccredited registrar the opportunity to name a (unintelligible) registrar. A lot of times they don't. The registrar may have just gotten dark or they're hiding from us because they think that if they come forward we'll start asking for other things like money and, you know, for them to make good on other obligations.

So typically, you know, when a registrar disappears they kind of become an ostrich and whether they're there or not it's hard for us to know.

If they don't name a registrar we don't - you know, if ICANN doesn't approve the named registrar we go through this process where we email all the registrar's primary contacts and say if you're interested in potentially receiving these names please fill out this really short form, we call it a request or expressions of interest.

We get those and we review them to make sure that, you know, all the registrars who submitted an expression of interest are minimally qualified. In other words, they've got, you know, a comparable number of names or similar amount of experience that would be required.

We take those and we send to those registrars who have been - you know, who have achieved that sort of minimal competency, we then send the application to them that is intended to really gauge their qualification.

And what we've done so far is we had a number of points assigned to each question on the application and each answer is also assigned a number of points. An applicant, you should know exactly where you stand.

So one of the questions might be, you know, what are you going to charge for the renewal of a domain name. And, you know, if you say $35 you might not get any points. If you say $25 you might get three points. If you say $10 you might get five points. So it's intended to be as transparent as possible and predictable for registrars.

So - and that was actually one of the things that was in the gaps that I mentioned. You know, the original process really didn't envision how that application worked so we sort of came up with this. And so that's kind of the current process.

And then, you know, when we get all the applications in we just tally up the scores and the highest registrar is the one that we've chosen to take the names. In the event of a tie, one of the question is are you willing to pay for the names and we typically only use that in the tiebreaker because it's not really - this is not intended as a revenue generating source for us.

It's - you know, there's typically a deaccredited registrar does have unpaid bills so we will use that to apply towards their debt. And if there's anything left over after that we will forward it to the deaccredited registrar. But like I said, that's actually never happened. So that's the current process.

You know, we've been sort of looking at over time what things do we need to change that aren't really gaps but are things that we want to change in the procedure that are documented and written on our website.

So, you know, from my vantage - and I'm hoping from those that have participated it's a pretty effective process. We've always been able to name a gaining registrar, we've never had a case where nobody came forward so that's good.

And I know that, you know - I suspect at least that there are a lot of cases where registrars come forward because they see this as their active community service. You know, there's sometimes transfers that aren't probably particularly valuable but, you know, I think that registrars look at this and say, for the good of the DNS we need to have confidence, we need our registrants to have confidence. If something happens to the registrar the names will land softly someplace else.

So I do - you know, I just want to say I appreciate that. You know, we're not unaware of that contribution that registrars make.

So one of the things that we've heard from registrars is they would like the application process to be a little faster, a little easier. Some of who suggested we could have just one standard application and you fill out once and we just keep it on file for you. So that was one of the things we were looking to improve in this.

The other thing is that when we do these transitions they are incredibly time consuming and, you know, when I talked about the work that I really enjoy, the program development and process improvement stuff, I really like that. What I really don't like is chasing registrars down the drain.

So it's a lot of time that's consumed by this. And so one of our goals is to spend less time on these transitions when it's possible. And so, you know, in

thinking about how do we change this we want to look at kind of the return on the investment that we're putting into it.

And so if there are cases where a registrar has very few names, you know, is there really a good return on running this full process, both for the hours consumed by ICANN staff and also by registrars who are responding to our request for expression of interest or to the application.

And then, you know, the last thing that I'd sort of like to point out is that in our current system where the registrar with the highest score wins, you know, there's a potential that one registrar could win every time.

You know, if you always have the highest score that means you're always going to be selected and that's something that we didn't really intend as an outcome of this. So that's one of the things that we wanted to also look at improving.

So really - so this is just kind of a summary of what I think I just said here. You know, we're trying to change this by making the application process easier and we want to also make it so that we can spread the opportunities around to registrars in kind of a broader way.

So the way that we're sort of proposing to do this is splitting up the approach that we do. So instead of having - here, let me put up here the - kind of the proposes process. The colored diamonds and boxes are sort of the - that's the delta here, that's where we see the change.

But the idea is, you know, in cases where we see - you know, it might not be worth running the full process. We might want to have a short process where we have registrars who pre-applied at one time or another. We put them in a pool of registrars and say, okay, you got qualified once.

You know, this isn't, you know, a particularly consequential transfer in terms of maybe number of domains or something else. So rather than running the full process where we make everybody do an expression of interest and apply, instead what we say is you applied once and we'll pick somebody from that pool. So that's one change that we'd like to get your feedback on.

The other thing we'd like to do is eliminate the request for the expressions of interest and just combine that with the application. So rather than having that be kind of a week-and-a-half or two week process, we'll just send the application to all registrars on our primary contact list and say, if you're interested fill this out and send it back.

And that will effectively I think save us a week's worth of time in kind of that back and forth process. So that's another thing that we'd like to get your feedback on.

But then the last point here, and this is one that - you know, I - you know, I don't whether you'll love this or hate it but instead of saying the registrar with the highest score wins what we want to do is come up with a threshold and say, you know, we've kind of looked at the questions and we figure if you scored - I don't know, 80% of the available points we think that you're an appropriate candidate for these names.

And so we'll consider you tied. Anybody who gets at least - you know, whatever that threshold score is you'll be tied. And then the tiebreaker, which is the payment, would be determinative of who gets names.

And then that way - you know, we know we're still getting a qualified registrar but we're also getting - you know, the person who wants it the most will be the person that gets the names.

Okay, sorry, I thought there was a question here. And feel free to interrupt me. I realize I tend to talk kind of fast so just - you know, tap on your

microphone or whatever you want to do. I'll shut or just tell me to shut up and take questions. So feel free.

(Desiree Boxford): Hi, (Mike), (Desiree) (unintelligible). I do have a question. How do you make that fair and equitable because, you know, registrars vary in all different sizes?

(Mike): Sorry, can you repeat the first part of the question?

Desiree: How do you make that equitable because registrars vary in all different seizes, right? We don't want the big registrars clearly getting, you know, (unintelligible) on even more domains. So how do you make it fair for the small guy?

(Mike): So one of the things that we've always done is we haven't said - you know, the registrar with the most experience necessarily wins but, for example, the question about experience might say, you know, if we've got a transfer with maybe 1,000 names involved we might have said, do you at least have, you know, roughly 1,000 domain names under management? And we would consider even your CC experience.

Another question might say, have you been accredited at least two years? Have you been accredited at least five years? And so it's not - you know, every question isn't necessarily, you know, quite the beauty contest that, you know, the final score - final scoring might tend to indicate when we said the highest score wins.

There was already some kind of - I think leveling in the questions but I - you know, I hope - I mean I hope that's sort of answering the question that you've got. That's something that wouldn't change.

We would still continue to have it where - you know, it's not necessarily the biggest registrar wins. It would be really trying to match the characteristics that are kind of unique to the deaccredited registrar to the gaining registrar.

And so I've got - in a couple slides I've got some of the factors that we would consider when we're doing the selection from the pool. So if you could hang on I'll show you that. But the next one, I just want to kind of outline here, this is what we're thinking about in terms of the changes to the full process.

So we want to combine the expression of interest and application, we want to set up threshold score. We want to consider all registrars above that score are tied so that the top score isn't necessarily the winner.

And then the final thing - and this is something that we didn't really intend in the beginning and, you know, when the Board looked at this process in 2008 they said, we really, really want it to be clear this is not a money making venture for ICANN. This is about, you know, protecting registrants and that this - you know, the money is really - that's a tiebreaker.

So we did that. But one of the possible outcomes - and on the application right now, one of - you know, the question about money says, would you be willing to pay and if so how much and if not would you require payment from ICANN?

So one of the risks that came out of this is if the registrar with the highest score said I would require payment from ICANN and other registrars were willing to pay, that's kind of illogical results. Fortunately it hasn't come to that but we've looked at that so that's theoretically a risk.

And don't start gaming us now before we get a new process in place but, you know, so that - I mean that was a risk. So what we want to do is eliminate that by saying everybody who's met the - sort of the - you know, the qualification level then can be in the - sort of the bid of for how much the names are worth.

So now - and maybe this will answer your question a little bit better, this - I think your question was about the pool, how do we - you know, pick registrars from the pool. So, you know, I just want to clarify, this isn't the momentous pool, this is the ICANN pool. So there's no trademark symbol on there.

So, you know, the idea is this is going to be transfers where there's not a lot of names involved, there's not a lot of registrants involved. So we want to open it up and we want so that registrars who are at least - you know, have at least two years experience would be able to apply for the pool.

You know, there might be some other kind of qualifications that we'll look at. For example, we might say are you on the latest version of the registrar accreditation agreement, that kind of thing. But the idea here is that these aren't going to be particularly onerous transfers in terms of what the registrant's expectations are.

So, you know, a registrar who wants to be in the pool can apply at any time. You fill out the application once, we'll just prequalify you then. If you get selected we'll kind of do one more check just to make sure you're in good standing with your ICANN obligations but there won't be another application, we're not looking to, you know, slow down the process. This is really meant to make it more efficient.

Okay, I thought there was a question. No, okay. So that's kind of how the pool works. I think probably what the people in this room are more interested is when they're - you know, when we got to the pool, you know, how do we determine when to go to the pool and how will we select registrars in the pool.

So here's kind of what we were thinking and I've talked to a few people about this but this is really where I want to get input. So my sense was if there's fewer than 1,000 domains, you know, this is probably not going to be fiercely competitive. You know, it might not be worth running the full process.

You know, I guess I'd like to just kind of stop here and maybe open that question up and say is that - you know, is that a reasonable threshold? Or are there people who would say, that's incredibly valuable to my registrant and I think that you should go through the whole process for that?

(Matt): Okay, thanks, Mike. Adam, I know you had a question earlier.

Adam Eisner: Much better, actually, Mike kind of already address a couple questions. So I was going to ask - you know, when it comes to this - these proposed factors, it sounds like you're - these are the ones you're kind of thinking about.

Are you going to publish a list of the factors (unintelligible)? Or would it be possible to know how you did score if you didn't get it? Or anything like that?

(Mike): Yes, so that's a good question. So my thinking is we would include this in the updated determine - what am I trying to say, we've got a written version of the process that is already posted. So we would update that. We would include this in there so that, you know, whatever we come up with you would know what it is.

And the other thing I was thinking was, you know, if we choose a registrar from the pool, you know, I would sort of suggest maybe we would be open to kind of explaining that - you know, if a registrar said, I want to know how you chose that registrar.

We'd say, here's kind of the - here's the considerations we had in mind when we chose that registrar or this is why we went to the pool. Maybe not publish that but sort of make it available upon request to registrars.

Adam Eisner: Sorry, one quick follow up, one thing I might suggest - I don't know if you're thinking about it but if you are in the pool and let's say there might be a situation where perhaps the registrar wants in on the pool.

But their next step - or say they get selected but for whatever reason this particular opportunity might not apply or they might want to take a pass, would they get bumped to the bottom? Or would it - you know.

(Mike): So no, I mean - you know, this is really meant to be a simple thing. It's not meant to - you know, we understand, you might look at this, you might be chosen - say, this is - you know, beyond what I have time for right now or this is not of interest to me, this is not my kind of customers or whatever it is.

We recognize that and what we'll really try to do though is - so we want to match up the registrars as best we can.

So if we get a deaccredited registrar who appears to have customers who primarily speak one language, let's say they seem to all be speaking Japanese, then we're going to try to find a registrar who offers Japanese or maybe even is in Japan, you know, so that we're trying to find the best match here.

And then, you know, the idea is once you've been chosen, you know, you're kind of on the bottom of the pile but if you're the only Japanese speaking registrar in the pool and then we get another deaccredited Japanese registrar, you know, you're not ruled out.

We'll say, you're still the best fit but, you know, we kind of - I mean - you know, we want it to be a good match but we also want it to be fair. So I think if you're not selected or if you kind of decline, you know, we're not going to put you back in the bottom of the pile.

It's really more about trying to match up but also ensuring that when there are multiple registrars who are sort of similarly qualified that there's a fair rotation of those.

Adam Eisner: Okay.

(Matt):   Thanks, (Mike). I've got (James) in the queue and anyone else? Okay,
                 (James).

(James):   Thanks, (Matt). Thanks, (Mike). Question, and I'm not sure if it fits here or
                 somewhere else but I'll just kind of throw it out there and if it comes up in a
                 later slide just let me know.

                 I see that we have a minimum threshold for names of 1,000, I think that's a
                 good idea, but, you know, are there any safeguards to ensure that there's not
                 a completely disproportionate match here, that 1,001 domain name registrar
                 isn't being asked to swallow a 500,000 name registrar. And we have guppies
                 trying to swallow whales here.

                 And I know that's not exactly - you know, we don't want to rule those kinds of
                 things out and we don't want to put too many safeguards in place. But on the
                 other hand I think it might be a disservice to those affected registrants if they
                 were put in a situation like that.

                 Is there some sort of matching based on size that we don't want to go ten
                 times or 100 times the size of the gaining registrar with the portfolio that's up
                 for transition?

(Mike):   So - and that's a good question. It's something that we've always taken into
                 account when we've ran the expression of interest process. You know,
                 there's not usually a hard rule.

                 Let's say we've got a registrar deaccredited with 10,000 names and a
                 registrar applies who has maybe 1,000 names. We wouldn't necessarily rule
                 them out if we felt they were still qualified or capable of taking it on.

But, you know, if there were a million domain names involved and new registrar had 1,000 domain names, yes, we would probably say, you know, we don't think you're qualified and we might say, you know, explain to us how you feel that you could service this. But, you know, the likelihood of being - getting past that round would be pretty low.

So now that we're going to eliminate that expression of interest round we'd just build that in the application process and say, you know, this is kind of a gateway question that you just - you know, we just don't think that you're qualified enough to take the names.

(James): So should we say - sorry to jump the queue, (Matt). I am the queue, sorry. I mean is it fair to say that you're - it's not your intention that through this program a registrar would necessarily - you know, say jump up several orders of magnitude in size. This is mainly to service continuity for the registrants who are affected by registrar failure and not someway to - I don't know, gain share or something like that.

(Mike): Right, so ICANN's only goal in this is to protect the registrants. We understand that registrars are bidding because they have other interests sometimes but, you know, that's really our only real concern about this. This isn't - this isn't a competition issue for us. This is about protecting registrants.

And to take more questions, I just want to also mention there's more considerations that we're kind of proposing on the next slide, just couldn't fit them all on here. But here's some more of the things that we're thinking about in terms of how we select a registrar from the pool or whether to go to the pool.

Were there other questions, (Matt)?

(Matt):   There weren't. I just - comes to the time, it's about 9:32 so - and I assume, (Mike), that you've got a slide in here about next steps and timing - okay, great.

(Mike):   Yes, so I think I've only got maybe one or two slides left here but - you know, just sort of explain, you know, a little bit better, the idea here is we think that the - you know, the registrars who might want to take these names probably don't see the transfers being particularly valuable. That's kind of the bottom line as we say.

                We don't think this is - in most registrar's view going to be particularly competitive and that's why we would go to the pool. You know, if there's just a small handful of names or if - you know, it's probably more burden than it's worth in dollars and people are doing it kind of out of an act of goodwill, that's when we would want to go the pool and say, you know, it's not worth, you know, dozens of staff hours of going to - and registrar hours in completing applications.

                So that's kind of where we came up with these sort of suggested considerations. And then the last one I just want to point out was deference to local law.

                And that's a pretty unique case with Russian registrars and that's where they have - in their escrow agreements, because of their legal requirements, preference for a Russian or EU registrar to take the names because of the privacy laws in Russia.

                So that might be a case where, you know, if we've got Russian registrars in the pool we might say, we're just going to go to the pool and, you know, pick the registrar that way, especially if, you know, there are not a lot of names involved.

(Matt):   Yes, (James), go ahead.

(James):   What's the first bullet point? I think you kind of skipped over the proxy registrations. How is that a factor?

(Mike):   So we've had - we had one time in the past a registrar where all the names were in a proxy service and we were a little skeptical that that proxy was probably still operating.

So we saw - this is one of those cases where it's probably going to be a pretty large burden identifying who the underlying customers are. And so it's not so much a judgment about the validity of proxies. It's more about is this potentially going to create more work for the gaining registrar than the transfer might be worth because there's a lot of proxy registrations.

(James):   So it was a diminishment of the value of the portfolio or the quality of the data as opposed to a strike against the registrar.

(Mike):   Right, right.

(James):   Okay.

(Mike):   Just to kind of give you some insight into what we're thinking here, I looked back at the transitions that we've done in the past and I would say probably about 20% of them I would have rather put to the pool than put the many, many hours that we put into transitioning them. Just recently we had a registrar get deaccredited who had five names. We believe they're probably all abandoned.

We had another registrar who got deaccredited with 29 names. You know, in those cases - in the case of five, what we did was we attached that one to another registrar that was deaccredited with more names to make it a little more attractive.

And in the case of the one with 29 names, we just pressured the losing registrar into naming a gaining registrar in saying, look, you know, we're not here for the money, we just want to get these customers to another registrar, 29 names.

We know, you know, nobody's going to really take advantage of this opportunity, they're not going to score a whole bunch of money from 29 names. So that's how we handled it in the past but I think this is kind of a - a little bit more transparent and objective way of doing that.

So roughly 20% and it's - you know, I can't imagine that we would use it in the case of - you know, if there are more than - say, 1,000 or 1100 domain names, it just seems like that's kind of where you start to see registrars saying, that would help my business, you know, if I had 1,000 extra names.

So that's kind of what we're thinking and 1,000 wasn't necessarily a fixed number but sort of a guideline with all the other factors.

So - and then the last point on here that I kind of mentioned earlier and that's that we're thinking - you know, when we go through the pool we don't want this to be the black box.

We want people to have some confidence in this but, you know, the idea is that it's supposed to be streamlined so we also don't necessarily want to have to post an announcement to ICANN.org and all these things.

So my thinking is - and, you know, I've always done this in the past when people come to me and say, why wasn't I selected. I say, you know, here's how you scored on all the questions, here's where you could have scored higher and that's how we did it.

So I'm sort of thinking it would be the same thing and say, you know, this is - these are the criteria that we matched between the deaccredited registrar and the gaining registrar so that's why I went that way.

So that's my last slide. That is my little thank you slide here. So, you know, in terms of next steps, what I want to do is mark up the process document that's currently posted on site, share that with registrars, maybe do a conference call if it seems like there's interest in discussing it. And then, you know, basically post our revised procedure.

(Matt): Great, thanks, (Mike). Yes, I think there would - just based on the comments here, I think there would be some interest in either having a conference call or, you know, us gathering more feedback and putting some comments together and getting those over to you. So appreciate that. Thanks.

(Mike): Thank you.

(Matt): Tim, did you have - was it just the (Mike) show today or...

Tim Coles: Well, yes. You know, I can't top that.

(Matt): Can't follow (Mike). Okay, great, thanks, (Mike), appreciate it. So next up we have the compliance team who's sat patiently for at least seven minutes. So I'll welcome Maggie - and is it just Maggie and Pam? Great.

Right in the center, Maggie would be great. No, I think - yes, (Mike)'s going to - I will forward this - good, Wendy has it.

Man: Go ahead. (Unintelligible).

((Crosstalk))

(Matt): That would be good, thank you.

((Crosstalk))

(Matt):   I got them right here. Sorry folks, bear with us just one second. Maggie, there's also a wireless mic too. I know sometimes you like to walk and talk so I'll defer to you, if you'd like to sit or take the wireless and do your performance routine for us.

Maggie Mansourkia: I know it's awesome how stakeholder meeting is on Tuesday night, which is music night. You guys just prep us for this evening.

Good morning everyone, it's truly always a pleasure to be here. I mean it, I really do. Over the past year-and-a-half I have gotten to learn a lot more and before I get started on the presentation I want to give you just a brief update on the slide deck. Don't think we're going to talk through all those slides.

We have provided just the frontend, general update so you are informed where are, which will be the update I'll provide. And then Pam will share with you some more operational discussions that we'd like to dialog with you on.

But before I get to that I want to say thank you in advance, I think this past trimester has been the most collaborative month ever since my arrival and you'll see why.

Go - who's going to do?

(Matt):   You can or...

Maggie Mansourkia: Okay, I like to go down the slide.

Man: (Unintelligible).

Maggie Mansourkia: Not in our world, no. We're sitting in your audience so it's got to be something with the stakeholder group.

(Matt):   Maggie, you'll have to forgive (Stephan). He's starting to prepare for his...

Maggie Mansourkia: I'm used to (Stephan)'s humor by now. He shocked me first.

(Matt):   He's starting to prepare for his retired life after he gives up his chairship.

Maggie Mansourkia: So while we're waiting on the presentation I would like to acknowledge the staff members who have joined me at this ICANN (unintelligible) meeting. If the staff don't mind, please stand up. I cannot see - I'm short, I cannot see who's standing but I can say the names.

With me in the audience today I have (Victor Oppenheimer), (Leticia Castil) - if you'll raise your hand guys so they'll know who you are, please. I have (Sue Meelly). I have (unintelligible), (Jack) (unintelligible), you've met (Jack) in Costa Rica, and (Paul Redmond) in the back.

And of course with me, my partner in crime is Pam at the table who will be addressing a lot of your questions.

All right, that's the Prague one.

Man: I hope you don't use (unintelligible).

Maggie Mansourkia: You know what guys, my words already stretched so don't do that to me. Yes, I sent it to Tim yesterday. Yes.

Man: That's what I'm doing.

Man: Okay, sorry.

Man: (Unintelligible).

Maggie Mansourkia: So (Matthew), stop the clock.

(Matt):   I did, yes.

Maggie Mansourkia: Thank you.

(Matt):   We do have a question from (Michael) who I believe is in the room, your hand's up in the Adobe room, there we go.

Maggie Mansourkia: That's the right date.

Man: There we go.

Maggie Mansourkia: So can I drive the slides from here or somebody has to - ask someone to go to the next page?

(Matt):   Tim's driving from over there.

Maggie Mansourkia: Okay, so you Vanna White, Tim?

Man: (Unintelligible).

Maggie Mansourkia: Am I your first presenter today? All right.

(Matt):   Thanks, (unintelligible). Apologies for that, Maggie.

Maggie Mansourkia: Thank you, slide, please. Okay. Should I come and sit over there and I can drive the slides? May I?

(Matt):   The flexibility of the conceptual compliance team on display. Yes, no, that's good. You're sitting right next to James, perfect.

Maggie Mansourkia: All right, can you guys hear me? This phone - this mic's working. So like I said, brief update on where we are the three year plan. It's very important for us to report back that not only you but the whole community because our objective is to become a trusted compliance provider for the ICANN community.

And by doing that we report on our plan, on our activities across all stakeholders. So what you see here is being shared across all.

So we are in 2012 and in this phase as promised to the entire community we continue to grow our staff in number and expertise. We continue to focus on standardizing our operations and our plan - this slide needs to go down, Matt, how do you go - right arrow? Actually, but the - it's not showing all of it, okay.

Sorry, I'm following there. So part of continuing to standardize our operations - that's okay, I'll follow there, is our system enhancement which we have updates on it for you. We've built a lot of global metrics to continue to improve on our performance measurement.

You would hear a lot about the audit strategy - no, no, no. And we have been working towards what we want to start launching at the beginning of 2013 as an annual compliance report. And lots of activity in the new gTLD space.

Right arrow, you say? Okay. This one's not driving. This one. Okay, let me - okay. So growth stats and numbers and expertise, we are 15 headcount. We also - as you heard at the kickoff meeting yesterday, effective amount a month ago we report directly to the CEO, a lot more visibility, lot more expectations than ever before.

But our department still continues to focus on the four pillars that we - the three pillars that we started with from the beginning. I have the risk and audit management led by (Jack). I have the performance measurement and

reporting led by (Paul). And of course, the amazing team of subject matter experts that consists of registrant, registry compliance team.

Our objective is to build subject matter expertise across this team so that we can scale and we can shift our resources as needed.

Right, but you have a lot of things showing here. All right, from a compliance management tool, as of mid-September I'm really pleased to announce that all of our archaic systems now are operating to the compliance process. So we are now managing all of our activities in one consistent approach that you guys - and everybody provided input into the process.

So you can see the current state. We still have the separate ticketing systems. We'll still have limited workflow and automation but the third and most important check is the (unintelligible) processes, which is going to help us transition into our future state of one central solution.

The transition should be a lot smoother because all of our data now is aligned, our processes and everything. Our objective by December to send up the Whois data problem reporting system into the central tool. And at Whois - a lot more user friendly interface and the flexibility to start logging multiple complaints.

So as we bring in all these tools into the central solution there will no longer be a W ticket, a C ticket, a UDRP tool, and all this stuff. It will all be compliance management tool.

From a metrics perspective, we provide this summary here - and like I said, there's a lot of supporting details in the appendix. To give you an idea of how we are now able to put in all the data that we gather through this - through the centralized - through the common processes and the approach we've managed, the tool here - if you think of it is like a Rubik cube.

We want to be able to slice and dice our data in any format, to any level of depths by region, by top-level domain, by registrar. And this will help us not only manage internally our work from a proactive approach but also to proactively work with the contracted party when we acknowledge and we see some trends that are happening.

The overall audit plan, we launched that in September. We communicated in Costa Rica that the design of the strategies and implementation, the methodology, all kicked started in Costa Rica when (Jack) joined my team in March.

And we held three outreach sessions in September with the contracted party. An open invite went to everybody, and when I mean everybody what we learned throughout the ICANN meetings is there is limited participation in this audience.

We partnered with Tim Coles and we are using the full list of registrars that he has and reach out to everybody when we send out updates, when we send out invites. And you're going to hear more about some of those activities.

The most important thing about the audit plan is that it will role out in 2013. Because of the complexity of our environment - and there's not really a - we're paving the way here, there's never been an audit of this nature. It's not like a finance audit or a (JSOX) or a - so this is totally new.

The strategy was designed to help us ramp up on the audit over a three year plan, splitting it into a third of the contracted parties per year. And yes, new agreements will be included at any time. And yes, some registrars or registries may be subject to multiple audits. It's going to depend on a case by case scenario.

But I just wanted to make sure to bring this here because the activities are quickly ramping up to that effort.

There will be a lot more in-depth and focused discussions on Wednesday. We encourage you, please, to join us. It's an open public session. The first one, it's about performance measurement and reporting where we give a little more detail about our tools.

But most importantly, we will do a demo to the ICANN community about performance measurement. We created dummy data, dummy contracted parties because we wanted to respect the confidentiality of the data. But we also want to show you some of the dashboards that are common and will be eventually published in the future.

The second session is focused on the audit program where (Jack) will take the audience through the strategy, the implementation, the timeline. So please join us on Wednesday, it's very important.

With that I'll turn it to Pam.

Pam Little: Hi, everyone. This is being recorded. I'm Pam Little for the transcript. So Maggie just mentioned this was probably one of the most productive trimester where we see a lot of collaboration between ICANN contractual compliance and the registrar for our community.

So the update I'm going to share with you in the next few slides is mainly - concerns the WDPRS enhancement, which is the tool we use to allow people to file Whois inaccuracy compliance or reports. And the other area is the intra registrar transfer policy.

So I'll start with the WDPRS update. We heard what you were telling us in Prague. Our system and the tool were very, very cumbersome and our process was very long. And we also submitted a lot of invalid tickets to you.

So we enhanced our system. Now the new system went live on the 15 of September and is now aligned with our so-called 123 Process which I hope by now you're all very familiar with. Basically, it's our informal resolution process where we would allow a registrar to work with us on an informal basis to resolve an issue if possible.

So we would send up to three informal notices to a registrar. These notices are not published. They are kept confidential between ICANN and the contracted party.

We also reduce the process steps from the old arrangement where we would take up to five steps. Now it's three. And now we are also manually reviewing all the tickets coming to the system to make sure the ticket quality is good and also improve the way we handle those tickets and the speed.

It's actually not helping in terms of speeding up our processing but we want to make sure the tickets we do submit to the registrars are valid tickets, valid reports.

And in conjunction with that as an effort to reduce invalid reports, you can't see it - sorry, what have I done? Okay, we also reach out to those reporters - firstly, we did some analysis within the tickets we received. And we found about 80% of our Whois inaccuracy tickets are filed by 25 reporters.

And 17 of those 25 actually have very high rates of improper tickets or invalid tickets submitted, ranging from 20% to 100%. And about - a total of 30% of all the tickets we received are actually - we consider invalid or improper.

So we basically - our effort in trying to filter out those tickets so you don't get those tickets at all. So what we did is we reached out to those reporters, excuse me. We highlighted what we consider the causes of those invalid

reasons, why we consider the tickets being invalid, and these are some of the reasons.

You can see they're sort of very self-explanatory ranging from - you know, it's a domain use issue about domain name, they use a tool to file this type of issue or complaint or about a known domain name. For example, they could be a report saying Google.com has invalid Whois information. But we checked Google.com and it seems to be valid. And we're pretty confident it would be valid.

So these are the reason and some of them - like, for example, the report just made very wild and broad claim about the inaccuracies. If they do that it's very hard for us to process or if they have already filed a complaint previously, which is still under the compliance process.

So these are the reasons we consider - criteria we consider to deem a ticket invalid or improper, okay.

So the other major compliance type that we receive through our ticketing system is relating to transfer issues. So as you know, in compliance - the previous slide Maggie showed you, we've got a compliance pyramid. Our job really is to figure out how we can actually stop non-compliance from occurring at all.

So we heard you again in Prague, you told us you know who the top three bad actors are or top five and you also want us to reach out to some of those, including the transfer issues we shared with you, a lot of them concerning registrars in China and some of you pleading to (unintelligible).

So Maggie did hear you and she did send me to the registrars but through the webinar. So we had a very successful webinar. We think it's quite successful where we showed a webinar on IRTP just with registrars in China.

Again, we send invitation to all registrars in China. There are currently 33 of them, 27 of them from attendance and sent over 40 representatives to participate in the webinar. We were very pleased with the participation. And we think the webinar was well received and time well spent with the registrars.

I think some of you also were interested in how the new (TEAC) under the new amended IRTP is working. So I promise the registrar I would gather data and share the data I have with you.

So as you know, (TEAC) is the new IRTP requirement. It's Transfer Emergency Action Contact, which became effective from 1 of June. From that time every registrar is supposed to have such contacts. So if they are emergency transfer related matter the gaining registrar - losing registrar can contact each other using that emergency contact.

And the requirement is for the other registrar to respond to the registrar who initiated the contact within four hours. And that is quite a challenge but fortunately it's also we only have received three complaints, seems that we had two in July and one in August.

So I think the numbers seem to be relatively low. Interestingly enough, the first complaint we received actually went through the whole 123 Process to resolve the matter from our perspective, maybe not from the registrar initiating the contact.

And also, we discovered that registrar wasn't aware of the (TEAC) requirement, wasn't even aware what FOA stand for. So - which was a bit of a worry or challenge for us. So just to share with you, the (TEAC) - because the nature of the emergency nature, we are processing this slightly different to our normal 123 Process for other compliance issues.

As you know, for Whois we allow 20 business days for first notice and then five and five for second and third notice for registrar to respond to our inquiries or notices. And for other compliance issues, usually five plus five plus five.

But for (TEAC), we need to remember, when we get a report from a registrar who could not contact the other registrar, our first reaction is to call that registrar who did not respond because we cannot wait for email correspondence and write back and forth with each other.

So our staff will call the registrar first and follow up with an email to go out immediately as the informal inquiry. And that 123 Process is actually 24-hour interval, not five, five, five business days because of the nature of the emergency.

So I hope that you find that useful, you know, from a policy perspective or policy effectiveness. We will continue to monitor and track the number and report next time.

I understand it's a new initiative or new policy, it may be the registrar or even the community (unintelligible) in how effective the new requirement is.

Okay, so you have a question? Sure.

(Matt):   No, I'll take a queue. I've got both her and (James) so far.

Pam Little: Okay, so the next section won't take ten minutes, I promise. I - we just want to share with you some of the common issues we've seen over the last few months. They seem to be increasing reports or complaints that registrars were not responding to verification requests, this is in relation to UDRP, right.

So as you know they seem to be a residual issue and there is a working group working on this topic. But we do want to stress the importance of collaboration between registrars and UDRP providers.

So please do - maybe observe the best practice and respond to - verification requests in a timely manner or do whatever you need to do such as maintain status quo, etc.

We also have dealt with a number of quite complex UDRP known implementation issues arising from similarly registrars confusing over what the term mutual jurisdiction means under the UDRP or rules for UDRP.

Sometimes the known implementation is actually caused by the complainant, the providing complainant not providing the necessary information for the sponsoring registrar to update Whois. This is important for the transfer following the UDRP decision.

As you know, a lot of complainants, if they prevail in the UDRP proceedings they actually want to transfer the domain name from the current registrar to a registrar of their choosing. And to do so the pre-step is to update the Whois.

So the gaining registrar then could obtain express authorization from the registrar name holder, which will be the new one, means the prevailing complainant or the (ME) contact.

So that is a very important step to take place. Sometimes it didn't happen and then the complainant was wondering how come the implementation didn't get through, the transfer didn't get through.

I mentioned earlier about registrars not responding to verification requests, I don't know whether you've noted, we actually recently issued a notice of breach, which was not based on registrar didn't - the registrar didn't respond to the verification request but as a result of inquiring about their practice and

it seemed to be quite bad in terms of these registrar's past behavior, there seemed to be a pattern of not responding to verification requests.

We were quite concerned. (Unintelligible) brought the matter to our attention. In fact, the panel actually noted the registrar's conduct in its panel decision and issued a procedural order attached to the panel decision.

So they consider that quite a serious matter and brought to our attention. We thought, we need to bring that to the registrar's attention as well. So we were looking at the registrar, asking the registrar to provide data and records. The registrar ignored three informal notices we sent to them.

So that itself, we consider a breach because we were requesting data and records under Section 3.4 of the RRA, which as you know requires registrars to retain data and records and provide to ICANN upon request. But these registrars simply ignored our request.

So we considered that a breach and we also found the registrar did not pay ICANN fees so there are two clear breaches. In terms of the UDRP procedural issue we raised that as a concern, hoped that would sort of trigger the attention of the registrar and the community that it is an important issue.

Registrars, although don't have contractual obligations to respond to verification requests, really it is a best practice to do so.

The UDRP as a dispute resolution mechanism would not function properly if registrars did not play that important part.

(Matt):   Yes, (John), we're holding - going to wait until the end.

(John):   Yes, put me in the queue then.

(Matt):   Thanks.

Pam Little: Doesn't work? Okay, all right, the other common issue we observed is - again, I mentioned earlier about registration data and records. We found some registrars not maintaining the data and records required under the RAA. And upon request they are unable to provide all the copies - all the records.

Some only provide us the copy of their standard form agreement, which is just blank Word document or give us the link, that doesn't really show us the relevant data and records or registration agreement relating to a particular registration.

We do need that - relevant evidence to satisfy ourselves, the registrar is complying with their obligation under Section 3.4.2. And we decided the language here - I'm sure you guys are familiar with the RAA, registrar agreement is a common issue. We do require data and records as a proof that you have taken reasonable steps or you have done this and that.

When we receive a complaint we get - the complainant has a his or her side of the story. Our informal resolution process really is to allow registrar, please tell us your side of the story, which including the evidence to demonstrate you are in compliance with your RAA obligation.

And the data record we seek under Section 3.4 really to help us to become convinced - to convince us that you are in compliance. So we sometimes ask for a copy of the registration agreement, which all registrars require to comply, which is to require all of their registered name holders, i.e. the registrar's customers to enter into a registration agreement with the registrar.

And that agreement also needs to contain certain provisions set out in Section (3771) all the way through (37712). So you must include all these provisions.

I think a lot of registrar really kind of verbatim copying their language from those sections or they divide their own language. Either way it would do, but in substance they must be all there.

So how will we determine whether registrar has provided proof that they have entered a registration agreement with the registrant? As I said earlier, a copy of registrar standard form agreement would not do. It is not sufficient.

And these are just a few examples. We are not telling you - saying these are all needed or how you must do it, but if you enter based - a paper-based agreement, then please provide us the entire copy of the registration agreement, not just a signature page. But we also want to see the signature page with a date.

And if you use electronic-based agreements, then we want to see the time-stamped record or an IP address or user ID. You might have other way to prove you have legally - you have entered a legally binding electronic agreement with your customers -- which is fine -- so provide what you have and we will review, assess whether that's deemed satisfactory as to prove that you have entered registration agreement with the registrant.

So that's all in terms of update and common compliance issues we encounter over the last few months. I hope you find that useful. Maggie do you have anything to add?

Maggie Mansourkia: Just wanted to - part of the outreach activities we're planning for Beijing, Tim Cole and I are discussing an opportunity where we can hold a working group session -- whether it's Friday or Saturday, we haven't fine-tuned the planning to that level -- to invite the Asia Pacific participants.

And we - as you know from our staff, we have Chinese, we have Koreans. So we're trying to build up the capacity to hold working group sessions before the kickoff of the ICANN (46).

So with that I'd like to turn it to (Matt) for questions.

(Matt):　　　　　Great. Thanks Maggie, thanks Pam. I've got a queue. I've got Volker, (James), (Michele), John, (Jeff). Anyone else? (Desiree)? Okay.

Volker you're up.

Volker Greimann: Yes. First of all I would like to thank you for implementing the new (unintelligible) program report system has cut down our problem reports by at least two-thirds by not receiving the multitudes of complaints about the same domain names or from the same people all the time.

It has increased the workload for those domain names that we receive because we now have to provide documentation from the - always, but only when there is a - the complaint is followed up on. And we might talk about that, how we can maybe move back to providing the data only when there's actually another follow-up from the complainant that really requests that data.

Maggie Mansourkia:　It's a statement or is it a question?

Volker Greimann: Well I'm asking if that would be a possibility.

Maggie Mansourkia:　At this point, I don't want to say that it's not a possibility. At this point we need facts. It's a huge issue. It's a very visible issue in the community that's causing everybody in the ICANN world - that touches the ICANN world. I mean literally everybody. I don't need to go in that level of details.

So we want fact-based decisions. I know it's a lot of information initially to provide, but just think if we have that up front, it would reduce the process by a couple of steps and close it.

But I do want us to use common sense Volker. You and I have talked about that many times. If we identify it's a bad report or if - you know, you guys have surfaced a lot of those criteria. So we're trying to put that filter up front to help address that.

Let's see how this trimester goes. We want - we definitely don't want to cause a lot of burden. But if we bring the fact-finding to the forefront, it would reduce everything in the back end.

(Matt): Great, thanks Maggie.

(James)?

(James): Thanks (Matt). Thanks Pam, thanks Maggie for the update. Appreciate it. I also appreciate the improvements that I've seen since Prague. I can tell you that the ICANN newsletter or the compliance newsletter as well as just the general increased responsiveness has been very welcome.

I have a couple of quick questions. First one is you mentioned that you had that outreach session in China to discuss things like obligations under the transfer policy. I think that's fantastic. You mentioned that you had 27 attendees. Were any of the registrars that were identified in the Prague meeting as some of the worst offenders of the transfer issue present at that outreach session?

Pam Little: They were all there.

(James): All of them?

Pam Little: It's 27 registrar, but 40 participants from the registrar - some registrar sent more than one representative.

(James): But specifically the ones...

Pam Little: Yes.

(James):   ...that were identified by this...

Pam Little: Yes.

(James):   ...community in Prague were there?

Pam Little: Yes.

(James):   Okay, even better. Thank you. And then - okay, so I'll just drop the rest of my questions then. I did have something relative to - and this is more of a question for registrars than compliance, but it's about record-keeping and registration agreements.

I think that has been lost recently and it's just me editorializing a little bit here, but something's been lost recently. Registrars are free to a certain extent to choose who they will do business with as far as their customers and their registrants.

What we've seen recently especially with abusive or spammer-type customers is that they will use the RAA and the - some of the obligations of the RAA to somehow try to say that we are not allowed to take domain names away from misbehaving registrants because of something they have done either through email or hosting abuse.

And I don't know if this is something that other registrars are seeing as well and I'm not saying it's a growing problem. It's just something that showed up on my radar recently where they're holding up our own agreements -- and particularly the RAA, but even our own hosting and registration agreements -- and saying, you know, the fact that "I'm going to call ICANN compliance

because you're not allowed to stop me from spamming people," you know, is the short story.

So just wanted to put that on the table. Maybe it's something we can discuss. I know your time is limited. Thanks.

(Matt): Thanks (James). I've got (Michele). And just a quick note, we're running a little behind. So I know that the compliance session always does bring out a bunch of questions. We're going to try to get to all of them, but I would just ask folks to try to brief - be brief in your questions.

(Michele)?

(Michele): Thanks (Matt). I just - there was one question from somebody else on the remote participations. I'll just read that one quickly. From (Peter Kurtz), during the September audit program information session, the idea was mentioned regarding a registrar compliance checklist. Are there perhaps any updates regarding such a checklist? And then I'll add my own questions.

Maggie Mansourkia: Yes, we have that checklist and we will be publishing it. And you'll hear more about it in our audit session tomorrow.

(Michele): Okay, thanks. Now my own questions. On (TAARC), have all of the uses of (TAARC) been legitimate as per the (IRTPD) recommendations or have you had any situations where registrars or other parties have tried to misappropriate the contact point for other (users)?

Pam Little: I didn't see abuse of this system. Two were filed by one registrar, and it's present here so you should know. (Unintelligible) not you...

(Michele): (Unintelligible).

Pam Little: ...you're pretty good. No, I don't see abuse of using that system. And in fact as I said (unintelligible) complaints, I see that as a relatively small number of complaints.

(Michele): Okay. And with respect to the - who is data reporting, one of the issues that several registrars in this room have complained about is that you get repeat offenders, repeat complaints.

Now you said in your update there that you're referring to open tickets and all that kind of thing. But if the serial complainer with a spurious complaint just keeps on pounding the system and then till the ticket drops off or whatever way it is that you're tracking it, have you taken any steps just to essentially black hole their complaints once and for all or at least not let it get outside your system? In other words - so Volker and Luke and other people aren't getting hit with the same spurious complaints time and time again?

Maggie Mansourkia: Okay. I'm going to answer this very briefly to keep it simple because we don't have all the criteria. As you heard Pam state, we're doing it manually and we have a new IT VP that joined our organization and we have - he feels like he works for compliance now. So we're looking to automate all of this.

(Michele): Okay, Pam...

Maggie Mansourkia: So from a discipline perspective, we will give the complainant the - a courtesy of explaining whether - again like we do the formal resolution. But if it's a repeat offender, there will be consequences. But we have to communicate it and put it all out there.

(Matt): Mr. Berryhill?

John Berryhill: Pam one of the compliance issues that you had on one of the slides said confusion about the mutual jurisdiction clause of the UDRP. Could you - what is the nature of that confusion?

Pam Little: Okay, it's a very good question John and I think will be useful to share. You know, in the UDRP and the rules, there - there's a definition in the rules for UDRP what mutual jurisdiction is. And it could mean whether where registrar is located or where registrant's located.

When the complainant file UDRP complaint, the complainant needs to nominate one of these - of which of these two, and usually complainant only nominate one.

So the cases we deal with is there's a UDRP decision in favor of the complainant. The complainant submitted to a - to the jurisdiction where registrar is located. But within the ten-day waiting period under the UDRP 4k, the losing side -- i.e. the respondent -- can challenge the UDRP decision in the court that the complainant submitted to. But the cases we deal with was the decision was challenged in the other court.

John Berryhill: Right. And see, here's the problem Pam. The - and I've worked with the people that drafted this, and I've pursued more lawsuits under UDRP 4k than any lawyer on the planet. And what it says is, "The mandatory administrative proceeding shall not prevent you or the complainant from submitting the dispute to a court of competent jurisdiction for independent resolution before the proceeding is commenced or after it's concluded." Okay?

You're reading a particular narrow requirement that yes, if it's filed in the mutual jurisdiction, the registrar cannot transfer the name. That is not exclusive. It was never intended to be exclusive. And the only people who think it's exclusive seem to be clustered in your office of what 4k says which is competent jurisdiction.

And let me give you an example, all right? Let's say that you're in New York and I'm in Delaware and Go Daddy is in Arizona. If you bring a UDRP against me and you say, "I want the mutual jurisdiction to be Delaware because that's

where John is," okay, I can bring a court in Arizona and that's where Go Daddy is. All right? And Go Daddy has obligations to obey the laws of the state of Arizona and that is where their registrar is.

And I can tell you with certainty that whatever jurisdiction that you the complainant chose does not change the jurisdiction of the federal court for Arizona where he is going to be subject to contempt if he violates that rule. So I'm not really sure that the confusion that you're seeing about the mutual jurisdiction rule is not your own.

Pam Little: Well that's not our interpretation. I'm sorry John, we disagree on that interpretation. And...

John Berryhill: (Unintelligible) he has to run a business in Arizona and he has to face a federal court judge saying, "Why did you move something out of this jurisdiction when it was subject to suit?" Whether it's your interpretation or not, mitigate it and get a decision. But your interpretation of the contract between two parties is not the authoritative interpretation.

(Matt):   Yes. Something tells me you guys can probably go back and forth on this for the rest of the day, so how about we just leave it as you'll agree to disagree. And maybe John and Pam, you guys can find a boxing ring out in the corner and fight that one out? But I'll keep going. And (Jeff) you're up, and then (Desiree) and then we're going to cut off the queue and get moving because we are behind schedule.

(Jeff)?

(Jeff):   Thanks. So I wanted to say that to first to echo Volker's comment that updates to the W - who is data reporting has been a huge help that we've received much less tickets. And the tickets that we have seen have been actually ones that, you know, have been issued. The one thing I'm concerned

about is -- since this seems to be a manual review on the front end -- is how does this scale?

It seems that, you know, if it is just more headcount, I don't know if that's, you know, if something that that would scale. But that's my concern as I know you've cut off bulk access for, you know, the sort of - the people who were just hammering the system.

But as that sort of opens up and people are putting in more complaints -- if that happens especially with all, you know, new TLDs -- how do you see the system scaling going forward because we wouldn't - you know, we wouldn't that sort of the requirements on looking at the information on the front end lightens up and then a flood of complaints come back to us? So I don't know if you sort of planned that out or your thoughts on that.

Maggie Mansourkia: What do you think (Jeff)? No...

(Jeff):   I don't know.

Maggie Mansourkia: ...I was kidding. No seriously, again I come from a business background. You have to be scalable. You have to be efficient and effective. We don't have the specific criteria for bad reports, so today it is manual. And you heard me announce earlier with a partnership with our IT VP, we are looking at automating. But you have to have the specific criteria laid out, so we do plan to automate.

One minor correction to your statement, we did not - we suspended bulk. We did not cut off bulk. We suspended bulk based on about a year of study and analysis and discussions with an amazing group of people who volunteered to be part of that. We want to reinstate it, but it has to be a valuable tool that does validation that follows the (1-2-3 process) and that's open for the community and not an individual.

So we want to add the validation. It's suspending, but it will - it's not - you know, I just want to make sure that's corrected please. But yes, scalability, automation -- all that is in the plan.

(Matt): Great. Thanks Maggie.

Last question (Desiree)?

(Desiree Boxford): (Desiree Boxford) for APlus.net. This question's for Maggie. At the L.A. registry/registrar event, (unintelligible) seemed committed to looking at who has abuse issues using the (WDPRS) system. And I just wanted to provide this feedback from my perspective.

I've seen that the registrars use the (WDPRS) system for their domain brokerage services. I've seen (legit) scripts, (news on) repeat, notices using the (WDPRS) system where I don't think that's an effective mechanism for using that - individuals wanting to buy a domain using the (WDPRS) system.

How are you filtering that out and is there a mechanism for registrars to provide you with feedback because we don't have an option when we respond to that that - you know, a lot of times the feedback I get from our clients is, "Oh this guy's already contacted me. I didn't want to," you know, "I didn't want to sell my domain and he's relentless. And now he's using the (WDPRS) system to," you know, "try and," you know, "get my domain through that avenue."

So I think that problem really exists and I'm sure a lot of other people in this room have experienced those issues. And I think that's a valuable to really even more narrowing those abusers of the (WDPRS) system, and I just wanted to know if you had any comment on that?

Maggie Mansourkia: I think the simplest comment for the current state we are in - I'm being very transparent and I have been since my arrival here. With the lack of

automation and fragmented tools, I cannot give you that single point. That's what we're working towards. We do have a vision that ultimately the complaints management tool should not be a push.

You guys need to be coming in and see where I stand. We're trading dashboards. I want you to come in, be confidential. So the long-term vision is you should have access to your own space, your own area to be able to collaborate and all that.

But in the short term and to be - keep this meeting on track, please -- I think many of you in here have stated it and if you have not -- send an email to myself or to Pam and to both of us even and we will follow up. We've listened to you before. Now we have additional staff who are very skilled, very talented. But as we all know, the ICANN world is a whole new thing to scale up and learn about.

But we are committed to the success of this, so let us know - I cannot be more transparent than that. A quick email to myself and Pam or just a call to me and we'll work with you. And thank you for your patience guys, but most importantly thank you for all those who help assessed the enhancements in the (WDPRS).

(Matt):   Yes, thanks Maggie, Pam. Appreciate as always you guys being here and the rest of the team that's here with you in Toronto. Appreciate a good interaction today. And with that we are going to move on to Denise Michel who's here.

And I apologize to her for us running behind, but also let me say that Bob Mountain has actually just rescued everyone and brought coffee in from Starbucks. So I think at this point - yes. Round of applause to Bob, and we're actually going to - we're going to work through our coffee break so it was perfect timing actually to bring coffee in because I think that will keep the majority of folks in the room.

So where - did I lose Denise? Did she bail on us?

Man: (Matt), Denise is - had to get over to the (registry's) because this is like - they've got these 15-minute slots all day long. So - but we have Chris Gift here who's going to make the presentation. She was going to introduce him and have him...

Christopher Gift: And I was going to do it anyway.

Man: ...the presentation. And Chris is with the organization that is working with ICANN to create the (My ICANN) site.

Christopher Gift: Is this connected to the Internet? Do we know?

Man: Yes.

Man: Yes, it is. Should...

Christopher Gift: And I'm just driving off of here. Okay.

Man: (Unintelligible).

Man: Come over here and get your (unintelligible) - come on over here to get your (unintelligible) displays.

Christopher Gift: Oh it's okay.

Man: All right.

Christopher Gift: I can just look at the screen like - I can just look at the screen like everybody else. So good morning everybody. My name is Christopher Gift. I'm with Second Rise, the firm as (Stewart) just said that - been working with ICANN on this project for the past couple of months.

I just - well let me just say, have you all logged in yet? Have you all created an account? Not yet? Okay. Did you all hear about this yesterday or should I start from scratch? Let me start from scratch.

So as (Fahd) had mentioned in his presentation in welcoming remarks yesterday, you know, when he first joined the organization, he saw a need to begin presenting information that was within ICANN to give it to ICANN community in a form that was more workable for them and a form that it was able to push information to them as well as that the community could have a space where they could come and do their work and see everything that pertains to them.

So it'd be a highly personalized environment and an environment that's again focused very much on work. But to get there you first obviously need operational systems, the sub-systems to be present and then you need to sort of tie them all together in a portal which is all going to take time.

But he was adamant about starting with something right away, so we did. We - the first thing we have right now is the - and this is (My ICANN). It is somewhat of a beta.

Man: I need to do something with your computer.

Christopher Gift: Sure, go ahead.

Man: So I'll - because we're not - unfortunately we're not broadcasting to the Adobe Connect room at the moment.

Christopher Gift: Got you.

Man: So we want to - is this computer (unintelligible)?

Christopher Gift: That computer's driving that one, yes.

Man: But there's no...

Christopher Gift: There's not mirrored.

Man: Oh I see. There's not mirrored.

Woman: (Unintelligible) click the next tab and (unintelligible)...

Man: There's no...

Woman: ...Adobe connection.

Man: I can't do anything here.

Woman: (Unintelligible).

Christopher Gift: So I'll keep chatting and - while we're trying to figure out the technical blip. So what you see here though -- or you could if we had it on the Adobe Connect as well -- is the (My ICANN) beta is very focused on gathering information and redistributing that information.

Because the issue right now that a lot of people face is if they want to follow a conversation (at) ICANN community, the information is scattered. It's either on the ICANN Web sites, GNSO Web sites. It's one other, you know, any other of community wikis or information that's going on.

So what this - the ICANN beta does right now is it gathers all that information and then orders it into conversations, right? So it's pretty straightforward in that if you just look at topics at the top right-hand side, and on the left you see the various conversations that are available to you right now.

So these conversations, you know, around security or who is certainly the public comment form and IDNs, ICANN would really like feedback on what these conversations should be on the left-hand side, all right? So if you'd see ones that are missing or you'd like to see, then please let ICANN staff know and they'll start building them.

Because what the system does is it pulls the content from around 90 different sources and then filters it and puts it into the right place, right? So for instance if you're interested in IDNs and you click on IDNs, what'll show on the right-hand side is anything that's occurring across the ICANN community that touches on IDNs, right?

So again you don't have to hunt - you don't have to go to like board resolutions or board correspondence and all these other places to find out about IDNs. You just come here and it'll show everything. Okay? And then obviously you can click on any one of these and go to the original article and then keep following that link through.

One other quick thing to show you before I talk a little bit about the future, and that is just a calendar. He we also have an aggregated calendar across the community. So the screen resolution doesn't allow me to show you, but on the right-hand side is actually a selection of calendars for all the - for all the organizations within the ICANN world. And you can pick those and see which particular calendar you want.

And this test - this one right now, it's showing you all the calendars. So - and it's showing you this week, which means it's a big calendar, all right? It just keeps going and going and going and going. And any one of these you can download to your own personal calendar and subscribe. So if it changes here, it'll change your own calendars.

So no more hunting and pecking, trying to find that event and trying to keep track of that event. Your calendar will be automatically updated, all right? So

useful, at least we hope. Oh here are all the calendars since they put them down at the bottom.

So you have to create an account to be able to subscribe. Well - no, actually you don't. You should just be able to see it at the bottom. Right here - this right here. If you just pick the - if I click on this right now, it would actually download all the calendars and put them into my personal - or this laptop's personal calendar. And this poor person would be subscribed to every event here.

But - so really just pick the calendar you're interested in first. So, you know, if I'm just interested in the board, I would just pick the board calendar down here. And that would refresh with just the board events. And then I could subscribe to just these events and it would download them to my calendar.

And any time (Diane) changes these events, it will change on your calendar, right? So you don't have to - automatic notifications, so it's kind of - it's very nice for a lot of busy people.

So there's a lot that's going to happen with this. This is just the beginning. Division is in the future. Everything that you need to do to do your work will be at (My ICANN). I mean, the systems themselves will be connected to (My ICANN). So if you have trouble tickets, you'll come to (My ICANN) and be able to see your trouble tickets.

If you have anything dealing with compliance and the issues surrounding that, in the future you'll be able to come to (My ICANN) and see that as well - see your contracts, everything pertaining to how you integrate or how you interact with ICANN will be in once place for you to work, to see and do your work. Just don't ask me when.

Man: Sorry, I have a...

Christopher Gift: (That's all right). That's it.

Man: No, I have a question. So -- and I think Tim knows where I'm going -- how does this (My ICANN) site into the information in (Radar) - does it/will it?

Christopher Gift: So (Radar) - so I don't...

Man: Tim can explain (Radar), but (Radar)'s basically the site that houses all the registrar information, things like our contact details, stuff like that.

Man: Some of that is still being worked out. And some of that - this - right now the only stuff that is in here is pulling from public sources. And the only thing that the whole world would be able to see is stuff pulled from public sources.

                    If you as a registrar log in and you have a specific login here, that's when it may connect to the ticketing system. But we may also - you know, we still haven't explored exactly how they're going to dovetail.

                    But I think the important point right now is, you know, first of all if you're worried about security issues and so forth, that's all - that will all be fully vetted with everyone in the community before anything like that is, you know, is put live.

                    But the flipside is I think what, you know, what we're really saying is that this is going to have - it's going to be a very powerful tool. Right now it's a lot of information. You know, I mean, it's just - yes, you can download. But ultimately it's going to be a very powerful tool that will really kind of change the dynamic of interaction within ICANN.

                    You know, you'll be able to have working groups, sessions can be held, you know, within that. It's going to, you know, in some ways will replace some of the Adobe Connect and other meeting tools too. But that's still to come.

Man: Yes. So is there a plan to replace the wiki - I mean, is there - it just seems like you've got parallel - and that might just be because it's in beta, but...

Christopher Gift: No, no. The wiki should stay because - and it will stay. That's a nice system of record for a lot of groups. This is actually pulling from the wiki so - right now, and pulls anytime you update certain wikis. It'll appear here. Some of the other collaboration tools that are appearing will automatically feed data back into the wikis.

So, you know, the wiki is there. It's a good thing. We - it may replace some of the things that you may do with the wiki, but it's not going away. And every that comes forward, we'll be sure to work and leverage existing systems.

Man: We probably can't say often enough, this isn't replacement for icann.org. It's just a tool sort of on top of it.

(Matt):   Any other questions?

Man: Great, well thanks. I know there's been a lot of - a lot of excitement and a lot of good feedback that I've at least heard in the hallways.

And with that, we'll actually - we will take a ten-minute break. How about that? We caught up with ourselves. It's fantastic.

Yes, Mr. Mountain?

Bob Mountain: Yes. Sorry (Matt).

(Matt):   No, that's fine.

Bob Mountain: We only had two boxes of coffee delivered by Starbucks, but we've asked them to send some more. So it'll just be refilled in a bit, so...

(Matt): Yes, I love how Bob actually apologizes for not having enough coffee. But we - like I said to you, everyone appreciates the fact that you brought coffee in. So thank you, and we will reconvene back around the table in ten minutes for the (NOMCOM) discussion.

Bob Mountain: We're going to stop recording now and we'll start up after the coffee break.

END