

Action Items:

Suggested Approach from the WG members on the call: To identify topics addressed by the Charter questions and capture high-level questions/data points for each topic. Suggested questions are:

- 1) Has it been used?
- 2) What was the original purpose and is it being fulfilled?
- 3) Bearing in mind the original purpose, have there been any unintended consequences?
- 4) What changes could better align the mechanism with the original purpose/facilitate it to carry out its purpose?
- 5) How many managed to prevail?

Action Items:

1. Develop a strawman of high-level questions and Charter question topics. (forthcoming)
2. WG to provide comments/thoughts about the proposed approach.
3. If the approach is agreed to, WG to analyze the topics addressed by the Charter questions against the high-level questions.

Question 1: Should the ability for defaulting respondents in URS cases to file a reply for an extended period (e.g. up to one year) after the default notice, or even after a default determination is issued (in which case the complaint could be reviewed anew) be changed?

Action Item: Staff to look up where the 1-year period for Question 1 originated.

Question 2: Should the Response Fee applicable to complainants listing 15 or more disputed domain names by the same registrant be eliminated?

Action Item: Staff to look up the origin of the response fee for 15 (and more) domains, and why 15 was chosen as a number.

Revised Table:

Action Item: Staff will post to the wiki space a revised version of the table with excerpts from the notes. *Please note that these will be high-level notes and are not meant as a substitute for the transcript or recording.* The recording, transcript, Adobe Connect chat, and attendance records are posted on the wiki.

Notes:

Discussion re: Overarching Suggestion re: High-Level Questions:

-- Our work here is to put these things into areas that are closely related that we can go through.

Can we hear from others?

-- Missing most of Europe – you should take the idea along for the next call. Work on the list of questions.

-- Can we come up with high-level questions that we could submit to get a better understanding of what we are speaking about?

-- For example: Has the mechanism or provision ever been used?

- If so how often?
- Are there any identifiable issues that have arisen.
- If it is not being used, why not?

From the chat:

Heather Forrest: 1) Has it been used? 2) What was the original purpose and is it being fulfilled? 3) bearing in mind the original purpose, have there been any unintended consequences?

Heather Forrest: 4) what changes could better align the mechanism with the original purpose/facilitate it to carry out its purpose?

Maxim Alzoba (FAITID): 4)how many managed to prevail

-- Worry about neutralizing the questions too much. Keep in mind the underlying concerns. Getting to the why.

-- Any specific issues raised that people would like to get on the record?

-- Comment about if not why not? We should come up with 4 questions. We have done a good job in the chart, but hard to get to specific questions. Come up with 4 high-level questions as a strawman.

-- Have a draft that we can present to the rest of the group. Are there any other comments?

-- We can set out to the group: here is what the policy states; here are the questions we will ask with each one; ask the high-level questions.

-- Should the high-level questions be brought to the full WG?

-- Next steps: What we are taking as an action item question we should apply the questions to the charter questions. What we probably want to do is: here is the policy and here are the questions? Should we go to each aspect of the policy?

-- Tease out what the mechanism is from each of the questions, then apply a high-level set of questions to each topic, but not going to each aspect of the policy.

-- How many people think we should present this concept to the full WG: tease out the topics, issues we are exploring, then high-level questions. Poll to respond. Poll result: 14 green checkmarks (agreed).

General Discussion:

-- Do I understand correctly that assuming the WG has no more input in terms of suggestions for refinement that the Co-Chairs will then work with staff to edit the Original Charter questions? And the WG will have another opportunity to comment on those edits?

Discussion re: Organization of the Questions:

-- Question: Related to order – A lot of this would be helpful if we went through a traditional order so we can decide if this order will work.

-- On this next call make that point and make the point on the list.

-- The categories in this table are those that we organized for ICANN60 for Abu Dhabi. Tried to be as chronological as possible. Tried to categorize on chronology, but if there wasn't a question on a process, we didn't create a question on the process.

-- We are not here to rehash the decision when the URS was created. What we have is the benefit of experience. We should base our responses and questions on data.

- Question 6: Predicate is whether there is anecdotal data.
- In all of these we should ask what are the facts and what are the questions we want to answer.

From the chat:

Kristine Dorrain - Amazon Registry Services: I withdraw my comment

David McAuley: Same issue - data needed

Maxim Alzoba (FAITID): @George, sometimes e-mails and phones verified and later change. or spam filtefilters could kill mail from URS providers

Heather Forrest: Response fee - original purpose? being met? reason for change?

George Kirikos: @Mary: I was asking more about after the default determination,, i.e. after the domain gets suspended, it could have a page saying why it was suspended, and the procedure the registrant can use (filing a URS response), etc. (in multiple languages)

Kristine Dorrain - Amazon Registry Services: Yes, J Scott, I do like that. :)

Heather Forrest: I think this is going to be much easier to agree upon and streamline our efforts

Mary Wong: @George, thanks - I think right now the suspended domain simply displays an informational page about the URS result/

Kristine Dorrain - Amazon Registry Services: <http://lufthansa.vip/>

George Kirikos: Thanks Mary.

Kristine Dorrain - Amazon Registry Services: See the example above

George Kirikos: Great example, Kristine.

David McAuley: I think the questions Heather listed for response fee are good, would add only 'why 15?'

Kristine Dorrain - Amazon Registry Services: The same static page for all providers so it's not specific to the domain name/case.

Zhou Heng: Thanks

George Kirikos: That could be improved by (1) making it multilingual (2) linking to the decision, etc

Zhou Heng: @ George +1

Heather Forrest: 1) Has it been used? 2) What was the original purpose and is it being fulfilled? 3) bearing in mind the original purpose, have there been any unintended consequences?

Heather Forrest: 4) what changes could better align the mechanism with the original purpose/facilitate it to carry out its purpose?

Maxim Alzoba (FAITID): 4)how many managed to prevail

Claudio: those are perfect Heather

Kristine Dorrain - Amazon Registry Services: Yes, I think that's right. the key is to figure out the topic. Most of the questions are actually "proposed solutions" or someone's wishlist.

David McAuley: one use would lead to a 'yes' on has it been used, though. Maybe ask trending use is up or down?

Heather Forrest: @Kristine - exactly my concern ("proposed solutions"), which is why I think we need a more objective way of asking the questions and soliciting info

Justine Chew: @Heather, re your 2) should we be asking what the original purpose is or actually state what it is?

Zhou Heng: There are only 31 URS decisions in ADNDRC.

Heather Forrest: My proposed approach would not eliminate the detail/context (this could sit in the background, and I am confident that we will elicit detail in the responses to the questions)

David McAuley: Fair points Kathy - can't lose sight of that.

Zhou Heng: I think the fee is a main reason for such consequence.

Heather Forrest: @Justine - I think we need to go back to the documentation to identify what the stated purpose was supposed to be

Claudio: also are assuming the original purpose was valid? what if the original purpose was well intended, but misguided from a policy perspective?

Heather Forrest: In other words, let's not work on assumptions. Let's be sure we're all operating on what was documented

Justine Chew: @Heather, great, thanks for the clarification.

Kristine Dorrain - Amazon Registry Services: Agree with Heather. We need to draft these charter questions with the research in mind, but it's not helpful to wait for research.

Heather Forrest: (ha ha Claudio and I are having a mind meld re assumptions)

Mary Wong: @Heather, staff will go back to the IRT and STI reports, and the AGB, to discern origin and reasoning as far as we can.

Kristine Dorrain - Amazon Registry Services: yes

David McAuley: yes

Kathy Kleiman: yes

Michael Flemming: yes

Heather Forrest: Thanks Mary for doing that background checking - I believe it's very important that we don't make assumptions about what happened before and work with what was actually documented.

Zhou Heng: I will try to type

Justine Chew: I had a question regarding use of URS but not necessarily for where we're at now.

Maxim Alzoba (FAITID): since the website to which domain redirects after being lost in URS does not give any advice what to do and domain is stuck for a year - it seems to be logical to allow response during the same year

Justine Chew: My question is for URS complaints which are ultimately withdrawn, I would like to understand why they were withdrawn, if that's possible.

Kristine Dorrain - Amazon Registry Services: Can't hear Petter

Kristine Dorrain - Amazon Registry Services: Justine, usually because there was a settlement.

Mary Wong: @Justine, understood but we won't be able to get that from the data :(

Justine Chew: @Kristine, observed by whom?

Zhou Heng: According to statics in ADNDRC, there are only 31 URS decisions made. As I have talked with many brand owners in China, I sincerely believe that the fee is most important reason for this situation.

Kathy Kleiman: @Staff: If it has not been used, why not? (Kathy, J. Scott, Heather, others)

Zhou Heng: https://www.adndrc.org/mten/URS_Decisions.php

George Kirikos: @Mary: perhaps one could use the WHOIS history to see if the ownership changed after the URS was withdrawn (implying the settlement).

George Kirikos: e.g. via DomainTools, etc.

Mary Wong: @George, we could, but that still wouldn't prove anything

George Kirikos: Or, even current WHOIS, compared to WHOIS at time of complaint.

Maxim Alzoba (FAITID): please read my previous note (I can not use mic)

Mary Wong: As in, it could be one of several reasonable inferences, but not clear proof of a single explanation

George Kirikos: @Mary: agreed, it doesn't "prove" it, but implied something transpired.....evidence vs. proof. :-)

Heather Forrest: Thanks for your patience - I've said my 2c and happy to help with carrying forward as needed.

Maxim Alzoba (FAITID): Scott think there are not many of us and the responses needs do be collected via the poll

Maxim Alzoba (FAITID): yes

George Kirikos: That would add a bunch of new columns to the document.

Heather Forrest: I think at this point we should just agree/or not to put this idea to the bigger call

Heather Forrest: rather than poll the concept in specifics here

Justine Chew: @Mary, thanks -- you have just answered substantially my earlier question about editing the original charter questions

Kristine Dorrain - Amazon Registry Services: I do not support re-hashing every section of the policy.

Kristine Dorrain - Amazon Registry Services: the charter questions are terrible but they are guidance as to where we should look

Mary Wong: OK thanks J Scott - got it

Heather Forrest: J Scott's summary is in line with my idea

Kristine Dorrain - Amazon Registry Services: They focus us a bit

Mary Wong: And noting that Kristine seems to be saying/supporting the same idea

Maxim Alzoba (FAITID): we will spend two years there if we check every bit of policy

Rebecca L Tushnet: I'm agnostic but willing to go along with the attempt.

Justine Chew: My tablet interface doesn't have poll feature. So please take it that I have green check next to my name.

Michael Flemming: we are good to put our hands down?

Justine Chew: Good point, @Kathy

Kristine Dorrain - Amazon Registry Services: I support organizing the questions in batches

Claudio: I agree with Kathy the issues can be organized in that manner

Kristine Dorrain - Amazon Registry Services: And in "chronological" order of the URS

David McAuley: audio cutting out here - am I alone on that

Mary Wong: I have a staff observation on Kathy's point, if I may.

J. Scott Evans: Mary I will call on you next, then phil

David McAuley: Thanks Heather

Kristine Dorrain - Amazon Registry Services: Oh, yes, Agree!!!!

Kristine Dorrain - Amazon Registry Services: I do agree with Brian, Susan, et. al on that.

Heather Forrest: Can we put our ticks down now? It seems we have solid majority for putting the concept to the broader call

J. Scott Evans: ticks down Heather

Heather Forrest: (hooray, old tick!)

J. Scott Evans: :-)

Heather Forrest: Follow-up questions will flow logically from the 4 (or however many) overarching questions

Heather Forrest: there is no need in my view to try to agree on follow-ups now (or we'll end up right back where we are currently arguing over details)

Kristine Dorrain - Amazon Registry Services: Agree Heather....

Kristine Dorrain - Amazon Registry Services: We need to stay out of the weeds and work on organizing.

Heather Forrest: I am happy to follow up with refining what is sent to the wider group, if that's helpful

Mary Wong: @J Scott, staff will send the note to the list.

Scott Austin: Would be more efficient if the table included specific rules implicated in each question

Mary Wong: Thank you, Heather.

Heather Forrest: Send me a draft and I'll be pleased to review it and get it back to you pronto

Mary Wong: @Heather, sure thing