

**WHOIS Working Group B "Access"
Teleconference
TRANSCRIPTION
Wednesday 2 May 2007
13:30 UTC**

Note: The following is the output of transcribing from an audio recording of the WHOIS Working Group B "Access" teleconference on May 2, 2007, at 13:30 UTC. 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. The audio is also available at:

<http://gnso-audio.icann.org/whois-wg-subgroups-b-20070502.mp3>

<http://gnso.icann.org/calendar/#may>

Attendance:

Milton Mueller NCUC chair - wg chair

Philip Sheppard - WHOIS wg chair

Carole Bird - observer

Patrick Cain - observer

Bertrand de la Chapelle -observer

Avri Doria - NomCom council

David Fares - CBUC

Palmer Hamilton - CBUC

Doug Isenberg - IPC

Susan Kawaguchi - CBUC

Dan Krimm - NCUC

John Levine - observer

David Maher - Registries

Steve Metalitz - IPC

Margie Milam - Registrar/IPC

Lane Mortensen - observer

Ross Rader - Registrar Council

Ken Stubbs - Registries

Michael Warnecke - observer

ICANN Staff:

Maria Farrell - GNSO Policy Officer

Glen de Saint Géry - GNSO Secretariat

Coordinator: Mister, this is the operator. Mr. Mueller?

Milton, are you there? Milton, are you mute?

Milton Mueller: Hello.

Coordinator: Oh, you're back on line. It will be just two seconds, Sir, and I'll start the recording.

Glen Desaintgery: Philip Sheppard joins now. Thank you.

Coordinator: And please go ahead thank you.

Milton Mueller: Hello?

Glen Desaintgery: Excuse me. Michael Warnecke now joins the call.

Milton Mueller: Okay. So, greetings everybody. I'm going to go start now. We have about ten people on the list.

Glen Desaintgery: Excuse me. (Mark Damiel Ong) is joining now.

Milton Mueller: Okay. I'm Milton Mueller at Turkey University.

Man: (Unintelligible) has now joined.

Milton Mueller: I'm going to try to keep going even though I have people coming in.

So welcome everybody. This is Sub-Group B. And as you probably know, the topic of this group is the access condition...

Coordinator: Maria Farrell now joins the call.

Milton Mueller: I had proposed a four part agenda. First we would discuss some administrative arrangements. Secondly, we would go over the elements of the template for proposal. Third, we would discuss proposals that we've received so far. And fourth, we would try to impose some kind of a deadline on the receipt of additional proposals.

Does anybody want to add anything to that agenda or change anything?

Now, that given me some response. Are you all on mute? What's the problem?

Woman: Yeah. We must be stayed on mute.

Milton Mueller: Okay, all right.

Bertrand de La Chapelle: Hi Milton. This is Bertrand speaking.

Milton Mueller: Good morning, Bertrand or good afternoon to you.

Bertrand de La Chapelle: Yeah. Good afternoon. Good morning to you.

Milton Mueller: Good afternoon or should I say, "Bonjour."

Bertrand de La Chapelle: Bonjour.

Dan Krimm: Hi, this is Dan.

Milton Mueller: We're just approving the agenda now. I circulated an agenda. I - if you are going to propose any changes, you can go off mute and talk, otherwise, we'll move forward with that agenda.

Maria Farrell: Milton, it's Maria. Would you mind if (unintelligible), I'm having difficulty here?

Glen Desaintgery: Excuse me. Ken Stubbs now joins the call.

((Crosstalk))

Milton Mueller: Hello, Ken.

Ken Stubbs: Good morning, Milton.

Milton Mueller: Maria, could you repeat what you said?

Maria Farrell: Sure, yeah. Sorry. Would you mind doing a quick roll call because I'm having a bit of difficulty accessing the participants online?

Milton Mueller: Okay. We have a very large group. I'm going to read the list I have, rather than have people introduce themselves, I'm sorry.

I have Palmer Hamilton.

Palmer Hamilton: Here.

Milton Mueller: I have Susan Kawaguchi. I have Dan Krimm.

Dan Krimm: Here.

Milton Mueller: Milton Mueller, that's me. We have Glen, we have Avri Doria. We have Doug Isenberg.

Glen Desaintgery: Excuse me.

Doug Isenberg: Here.

Glen Desaintgery: David Fares now joins the call.

Milton Mueller: Yeah. We have Carole Bird.

Carole Bird: Here.

Milton Mueller: Yeah. Philip Sheppard.

Philip Sheppard: Here.

Milton Mueller: We have Michael Warnecke.

Michael Warnecke: Here.

Milton Mueller: We have Margie Milam.

Margie Milam: Here.

Milton Mueller: We have Ross Rader.

Ross Rader: I'm here.

Milton Mueller: We have Patrick Cain.

Patrick Cain: I'm here too.

Milton Mueller: Maria, we have you. We have John Lavine.

John Levine I'm here.

Milton Mueller: Bertrand de La Chapelle

Bertrand de La Chapelle: Yup.

Milton Mueller: Ken Stubbs

Ken Stubbs: Yup.

Milton Mueller: And David Fares.

David Fares: Here.

Milton Mueller: Okay. So, shall we proceed with the agenda? All right being no objection, I'll move forward. The first thing I wanted to propose with the teleconference date. Since the task – working group is primarily to - I think collect and perhaps debt proposals to make them well formed and worth debating.

I think that we're only going to need three teleconferences. At least I hope we only need three. And then we can continue discussion on the list.

Glen Desaintgery: Steve Metalitz now joins the call.

Milton Mueller: The proposed teleconference dates would be Wednesday. This would be the first, obviously. And then we'd have two, one on the 9th and the 16th at the same time.

Is there any discussion of that?

John Levine Sounds (like) a good call schedule as any.

Milton Mueller: Okay. Thank you, John.

Steve Metalitz: Milton, this is Steve Metalitz, I don't know if you have people from the West Coast on the call now. But you might think about changing, you know, rotating the time so that all the different time zones can participate.

Milton Mueller: Sharing the pain.

Steve Metalitz: Yeah. I mean, I know that maybe ICANN Staff may make that decision but...

Milton Mueller: Yeah. I think it's pretty much was presented to me as a decision that the staff made. And to my mind, the most important part is predictability rather than convenience.

Susan Kawaguchi: This is Susan. Why don't you go earlier for me that would be fine?

Milton Mueller: Are you West Coast?

Susan Kawaguchi: Yeah.

Dan Krimm: This is Dan, I will echo that.

Susan Kawaguchi: Exactly. Plus the clock was a little much for me.

Milton Mueller: Yes, it's a – in fact, because for me that's the exact opposite problem. It's prime time and it's the worst time because so many other things are going on. So I would wish it were either dramatically earlier or dramatically later.

But again, given the arrangements that have to be made and the fact that Glen seems to have made this arrangements, I'm happy to stay with things with where they are. And I would not move. It would be acceptable to me the move the time to 10:00. I don't know if that would overlap with plans for other working groups. We have to consider that too.

Maria Farrell: Yup, Milton it's Maria, that would overlap with the next working group that starts in about an hour.

Milton Mueller: So Maria, from your point of view, we should just leave things as they are?

Maria Farrell: That will be my advice. I know there's a lot of things going around at this time are carried out.

Milton Mueller: Yeah.

Bertrand de La Chapelle: Milton, this is Bertrand. Just one remark that there are other three working groups one after the other this afternoon. So those who will participate in the three other full afternoon, or full morning, or full evening.

You will have the same problem with the other working groups. One possibility if we manage to keep this schedule is that there is a rotation among the three working groups in terms of schedule. But I agree with your predictability thing.

And it's easy for me to say because being in Europe, it's the easy part. But just take into account that some are participating in the different working groups.

Milton Mueller: Yeah. I think the interdependence kind of killed any attempt to start juggling with that...

Bertrand de La Chapelle: Mm-hm.

Milton Mueller: ...until now. So...

Glen Desaintgery: Mr. Milton, sorry. Just to add that after all these with WHOIS group there's still other working groups going on.

Milton Mueller: Yes. ICANN, the moving – movable piece. All right. So, a few comments about the email list. Apparently, the problem there, if you haven't heard about or seen it yet, it has to do with the ICANN activity problems that Glen had had. Glen, do you want to say any more about that?

Glen Desaintgery: No, just as soon as possible which I hope will be in the next 24 hours that our list – working list will all be up and going. And everybody that has asked to be subscribed - will be subscribed. So, and I'll send the list – I'll send the notes to the list.

Milton Mueller: All right. One of the questions I had is do you think separate email list were really needed? Do you think that will help the discussion to be focused? Would it be better for everybody to see what's going on in all the working groups and just stay on an integrated list?

Maria Ferrell: My preference would be to (have) separate lists because we're hoping to get into, you know, achieved laid out a fair amount of details on – to get the conversation really focused.

Milton Mueller: Okay. Any group members have any...

Dan Krimm: I think I would concur -- this is Dan -- separate lists are probably useful to focus conversation than participate in more than one at a time, if you need.

Milton Mueller: Mm-hm. All right.

Avri Doria: This is Avri. I agree too. I mean I'll probably subscribe to all three but it's nice to have a copy separate.

Milton Mueller: Yeah.

Avri Doria: And everyone can.

Milton Mueller: Support.

Ken Stubbs: Milton?

Milton Mueller: Yes.

Ken Stubbs: Yeah. This is Ken Stubbs. I'd like to echo the comments that Philip made regarding the use of the mailing list this morning. I think it's important that we try to keep the relevant traffic on this list of – at all possible.

Milton Mueller: Yes. The "reply all" function, they've go to – I mean there's going to be heavy traffic probably. So, I'm having the delete duplicate messages is not necessarily unpleasant. There are the other issues of not raising generalized issues that we – these working groups can't really do anything about. I'll try to write her on that within this working group.

Okay. So, that's – oh I see. Are there any other administrative issues that people wanted to bring up?

I don't hear any. So, I will move on to the second agenda item. As you probably know, I created a template. It seems to me that given our task and which is basically to ask – assuming that we implement OPAC and we're shielding some of the registrant data as the OPAC proposal proposes, which third parties should be able to get access to that data and how?

So, the template is simply a way to structure the identification of proposal. In particular it asks any proposal to identify clearly and precisely as possible the third parties they're talking about.

Secondly, it asks how these third parties are certified or authorized to be who they claim to be. In other words, for example, if you're proposing that only university professors in the state of New York be allowed access, you have to identify how you would certify that the claimant is indeed a university professor and lives in the state of New York. Just to use a deliberately ridiculous example.

Third, we want a description of the access process and mechanisms. Here, of course, we can't be completely precise and detailed but obviously, the more detailed the better. And we will build the room for lots of discussion about the practicalities and legalities and problems associated with various mechanisms.

Fourth, I'd like us to be cognizant of and to identify the issue of how much something would cost and how these costs are distributed. Obviously, the various parties and stakeholder groups here - all are most concerned about, you know, whether the cost falls on them and we'd like to see it fall on some other parties. So, we're going to be very

explicit about who is actually bearing the cost associated with any given proposal.

So, those are the four elements of the template that I proposed. At this stage, I'd like to ask if anybody thinks any other fundamental category is missing here that we need to raise.

Patrick Cain: This is Pat.

Milton Mueller: Go ahead, Pat.

Patrick Cain: I would present the anti-fishing world in the anti-fishing working group. And I noticed that a lot of the spin is on national and international law enforcement. Whereas, significant amount of the honest to goodness take down or stoppage at least in the anti-fraud community is done by more – I guess, private policing people or small companies on behalf of the banks of other people.

Milton Mueller: Yes. That strikes me as something that's handled well under the current template. In other words, you're just talking about the template now and not what you put into it.

So, what you're saying is that, if you want to make a proposal under which third parties, you would say not just law enforcement, you would say private parties, right?

Patrick Cain: Yeah.

Milton Mueller: Okay. So, that would mean you'd need to also develop a mechanism or a process for identifying who is the legitimate third party and who is not.

Patrick Cain: Yeah. And that's the million dollar problem.

Milton Mueller: Exactly. So, are there anything – is there anything missing from the template? Are there any questions we need to ask about a proposal that we're not asking yet?

Margie Milam: Hey Milton, this is Margie. You may need to ask and this is what goes out, how quickly access is needed for that particular proposal and maybe what the purpose of it – information for?

Milton Mueller: Okay. How quickly access is needed? Well, I think that's more embodied in the access process and mechanisms. In other words, if you believe access should be quick, you need to propose a process that is quick.

Unless you're raising – unless I don't understand your point. Is that...

Margie Milam: No, I guess you're right because the process would have to take into account.

Ken Stubbs: Milton, it's Ken.

Milton Mueller: Yeah.

Ken Stubbs: I guess it's kind of beauty is in the eyes of the beholder. By then, I'm saying that, you know, I'm assuming that or made very well be

intellectual property interests. A specific company who has some serious concerns about something and to them it's very, very urgent.

Conversely, a major financial institution that's getting a hit very hard by fishing attacks is going to have the same concerns. And I guess, it really boils down to, if you're going to offer some sort of variable there, I think somebody is going to be stuck in the middle making some sort of a subjective judgment as to which is the strongest benefit to the community.

I don't know how to put it in any other way. But I do think that you have to have some sort of a system that allows for a fast track where you have a serious financial concern that – in hits – in much larger sector of the community as opposed to the concerns of one specific company about, let's say, infringement on intellectual property. Just food for the thought.

Milton Mueller: Right. I think those are all good points, Ken. However, I'm - at this stage, in the second item of our agenda, all I'm concern about is creating a frame work or a template which allows people to go home today, fill in the blanks and come up with well thought out proposal that we can actually debate.

So, what I hear Margie saying is that under access process and mechanisms, we might want to have some variables and one of them would be speed. And I think that's a legitimate issue. Are there any other aspects, sub-variables if you will, of the access process and mechanism that you want to highlight? I would think maybe a possibility for abuse or leakage would be another one.

Bertrand de La Chapelle: Milton, this is Bertrand. Just two points. One is I think in the template that you're proposing there is something that is missing somehow, the purpose of the need for access. Because you can have different types of third parties that need access for single purpose, there are also different types of purposes for different types of third parties.

So, I'm wondering whether third party is a category that is sufficient. Or whether there should be some kind of parameter on the purpose.

Second point in the access process and mechanisms, I wonder whether the type of access including the bulk, query base, portfolio free, and so on, shouldn't be taking into account in a clearer manner.

Milton Mueller: All right. So, I have as a possible variable under access process and mechanisms the type.

Bertrand de La Chapelle: Technical modalities for access. Yeah.

Milton Mueller: Okay, typical modalities. That's so, diplomatic. And then the purpose of access, now – I'm not sure what I think of that one but it's not my job here at the moment to evaluate that and let discussion – if anybody else has any comments about those ideas. It's easy to add things to this template but by the same token, the – simply the template is the – in the more...

Bertrand de La Chapelle: Mm-hm.

Milton Mueller: ...fundamental of the categories of the proposals. The easier will be to evaluate them and compare them and so on.

Philip Sheppard: Milton, can I comment?

Milton Mueller: Yes. Who's this?

Philip Sheppard: Philip.

Milton Mueller: Philip. Yes.

Philip Sheppard: Thanks. Milton, I know – I will just concur with your appeal for simplicity because I think I am not tricky making any of these work. Trying to bring about change is to have something that is simple and therefore cost-effective and therefore able to implement.

So I think we need to wage balance – intellectual (vastness) with the practicality. And on a couple of specifics that you've mentioned so far, I'm – I have doubts about speed. I think most people would be saying, "As fast as possible, please." I doubt anybody is going to say, "Oh, yeah, fine, you know, I'll wait a month."

And on the purpose, et cetera, to some extent, my suspicion is actually ready to be rolled into the nature of the certification process in terms of who they are. And that those two are so close together to almost be inseparable. And then I can see the radical circumstances when they may not be. But I just wonder about the practical effects of making the separation.

Bertrand de La Chapelle: Bertrand here, just one comment on the last point. The comment about the purpose is somewhat able to encompass the question of speed and avoid making it a separate category while taking

it into account. I was discussing with my own ccTLD manager yesterday.

And the point is - points since there are cases where you might want to have a type of access for clearing a certain number of questions in a rapid way or for the purpose of solving a dispute without getting to a court or to a certain long procedures and in other cases where it is a request in the course of a full law suit or so.

Maybe there are different cases. Maybe you want to check whether this person is the person who registered that point. Since one person you suspect to have registered an infringing or wrong domain name, you just want to verify whether this is – this person or not. This can be answered by the system by a yes or no immediately without delivering any type of data in addition.

It's another thing to say who or what are the domain names that have been registered by this person and get the old list. This is different.

Milton Mueller: Yeah. I think the, you know, specification of more fine grained variables within any given category the template is not a big problem. But I think we don't want to create new data categories. And so that when you're describing an access process and mechanism, you can discuss its speed, you can discuss its possibility for, you know, abuse or potential breakdown. You can discuss the type of access it supplies. That's all perfectly valid.

I personally agree with Philip that purpose of access is basically embedded in which third parties here identifying and how they are certified. In other words, if you believe that intellectual property...

Glen Desaintgery: Excuse me. Lane Mortensen now joins the call.

Milton Mueller: ...attorney, it should be considered legitimate third party. It's clear what purpose you're thinking of. But I wouldn't have any objections that adding an element about purpose if you wanted to.

I heard a voice.

Avri Doria: This is Avri, can I suggest? It seems like there's a lot of differences.

Milton Mueller: Avri, nobody can hear you.

Avri Doria: Okay, sorry. It seems like there maybe several different elements that different proposals might want to add. And perhaps one easy way is to sort of keep the regular columns that you've got and maybe at one of the other. And just put a note or whatever, so that people that have something extra to say, you know, the person that can says, "You know, this process can take three weeks because of the way it's done or whatever." Can add that without needing to create a new category for every specific other wrinkle.

Milton Mueller: That's good. So notes or comment is an additional column could address any sort of left over issues. Yeah. I like that.

Okay, so are we satisfied with the template?

I don't hear any objections. So I think we can move on to the third item which is that we have received two proposals which I forwarded to the list.

Is – what is his name? Carlos. I'm just bringing up the documents, sorry. Carlos from Sony BMG, are you on the call? I don't think you are.

Anyway, if you can bring up that document on your computers, you can see that we have two contracting proposals which are probably fairly representative of the kind of issues we're going to confront as we go forward.

Carlos is with Sony BMG. He proposed three different third parties he described as law enforcement IP attorneys, anti-fraud investigators in terms of how they would certify the address idea, the subscription that registrars would be sent a subscription form. And they would entertain the status. He refers to some predefining criteria which of course this group would have to have some idea about what they were. That would tell you whether you're an IP attorney or an anti-fraud investigator or a law enforcement agency.

In terms of the access mechanism, again the address idea of the subscription you get a user ID and a password from the registrar. And you then can search their WHOIS and get the complete information including the staff that would be masked by the OPAC proposal.

He proposed doing this by means of fax or physical mail deliberately in order to make it a little more difficult than simply doing it online. And to make the verification process more clear. But once you have received the subscription, you would have unlimited access to the WHOIS information.

So under – in terms of cost, burden and distribution, it seems that he proposed a subscriber with pay were mailing the forms back and forth but the registrars would basically assume the burden of reviewing the subscription applications operating the databases and maintaining user IDs and passwords.

And of course this I guess would be on a registrar by a registrar basis. So every member of the third party would have to enter into these subscriptions with every registrar.

The other proposal we have restricts the only legitimate third parties to national and international law enforcement agencies. It would rely on Interpol to certify or authorize these affiliates. And then for the access mechanism, it's actually no different than the existing WHOIS.

But basically says that under the existing WHOIS, you'd get the OPAC fields plus an encrypted blog and it was the word that was used. So I like to call this the blog proposal. You get an encrypted blog containing the additional information of the personal identification records of the domain registrant. And if you are a certified law enforcement agency, you'd receive a decryption key that would allow you to decode that information.

So for the certified law enforcement agencies WHOIS would operate pretty much the same way it does now. They could see everything based on any query.

In terms of calls and distributions, I haven't discussed this with Interpol but who knows whether they would want to charge to review these applications and approve them. That may or may not be a cost.

Registrars would have some perhaps additional cost in terms of managing and distributing these keys.

Now, there you have two proposals. And I think the critical difference here is – what is important difference in the access process and mechanisms that I suspect the most of invaded going to be about which third parties we're dealing with.

So, let's open up discussion of those two proposals. Perhaps taking this as a test guard for the kind of questions that additional proposals -- and I do hope we get additional proposals -- are going to have to face as we go to this process.

Steve Metalitz: Milton, this is Steve.

Milton Mueller: Yes.

Steve Metalitz: Just a question whether we have the ad – the proponents of either proposals on the call with us.

Milton Mueller: Barely, we do not.

Steve Metalitz: Okay.

Milton Mueller: Although, I discussed with (Paul Stahr) at least by email when I received that, I asked him a few questions. So I have a kind of pretty good idea what he means by it and I think Ross does too, if Ross wants to come on. And – yeah, I don't know whether if there's anybody else sort of similar to Sony BMG that wants to take up the cajole for other proposal.

Ross Rader: Yeah. I can do my best to answer questions on (Paul's) proposal?

Milton Mueller: Okay.

Ross Rader: I cannot guarantee you the absolute most correct answer, but I can try.

John Levine Hi. This is John Lavine. I have two questions about the second proposal. Yeah. The first is that it seems extremely impractical because in the US, at least, there's thousands of law enforcement agencies and this what – this would basically restricted to the FBI which would be a killer.

The other is that it makes the rather optimistic assumption that the decryption key would not leak. Where if I, I think we can assume that as soon as it got out to two or three police departments, it would be on the web and would be visible to everybody.

Ross Rader: I'm sorry, John. I missed the first half of your question, I...

John Levine Oh, we...

Ross Rader: ...have some line problems in muting and un-muting.

John Levine Yeah.

Ross Rader: Where we could talk over to you, so, apologies.

John Levine Yeah. We – in the US we have thousands of police departments. My local village to police department actually does investigate internet related fraud like twice a month.

Glen Desaintgery: David Maher now joins the call.

John Levine Yeah. And I think the – have basically, having – making my part time police chief goes to the state department to talk to Interpol is absurd. I mean there's no way it could possibly work.

Ross Rader: Yeah. I think there is a – I think there's a lot of leeway in terms of how long enforcement agencies get recognized? I think the key to it is life with providing keys to entities that can be accredited easily. So law enforcement agencies, our sheriff's department can be easily accredited.

The mechanism for doing so, you know, truly in supposed one of the first one that came to mind, there is a, you know, counter consideration that set. That that becomes a domestic issue, whereby you use key chaining to issue keys on a national basis.

So you would print some – US is a bad example because I don't quite understand. But in Canada, you would give a super key for instance to the most senior law enforcement agency who would then issues additional keys down their chain of trust to – through the national, provincial and local levels.

Until you get to the – our equivalent to that police department. So I think there are ways to accommodate that within this proposal?

John Levine Yeah. I mean that model really does not map under the US very well. I mean we have multiple overlapping federal state and local police department and there's no hierarchy among them.

Ross Rader: Sure, sure.

Milton Mueller: John, as I understand a proposal the, you know, the local sheriff's office did not have to go to Interpol. It – these national central heroes are national entities of law enforcement. And again I think that, you're raising – the concern I have is the one about key leakage.

And I think – and that's probably why our national and more centralized approaches proposed. Maybe it's the easier to keep track of those keys if there aren't 10,000 different agencies in control of them.

So Ross, would you care to address the issue of key leakage or...

Ross Rader: Yeah. Keys can, you know, key leakages is going to happen. I think it's nice to assume that it won't. Big – I believed the keys to this proposal on this point lies with the fact that you are issuing multiple keys, not a single key. So each accredited entity would have – would be issued its own key.

So if any leakage was discovered, it could be quickly contained. That key could be revoked and reach it on a fairly – in expense to the straight forward basis.

Philip Sheppard: This is Philip, further question?

John Levine Yes.

Philip Sheppard: Thank you. Just on – I'm looking at the two proposals together. It strikes me that one major difference is that the poll to her proposal is looking towards the third party to do the verification while the first proposal from (Serenade) is looking at whether (straw) to do verification based on some predefined criteria.

I think there's been made here from going to (straws) there. In view of the practicality of that attorney proposal and if it is impractical, should we be looking for alternatives to that for different agent or for different groups which could be of a third party is in the same parallel in default for law enforcement?

Ross Rader: I don't mind answering the questions, Philip. But it would be from standpoint of (QK) or not from all registrants.

Philip Sheppard: Sure.

Ross Rader: Certainly there - I think there are other registrants from this call that they want their way in. But from (two cops) prospective, we don't want to be in business of sorting out the weak from the tough, the good from the bad, the lawyer from the police person, the miscreants from the good guy.

I don't – when we went through that to a very, very limited degree with bulk WHOIS system. That was a pretty onerous process given the number of the actually users. I would really prefer to stay away from something as complex and conflict process.

Philip Sheppard: Okay.

David Maher: I'm sorry, Ross. This is Dave, you like what...?

Ross Rader: I'm sorry, David?

David Maher: I just didn't hear your last statement. I'm sorry.

Ross Rader: Oh, I would let – prefer to stay away from such a complex and conflict process. I really think there's a lot of merit in going back at the first principle on this kind of a thing. And, you know, as we rely on, I feel that for country code for instance. You know, a similar - if we could rely on a third party list or agency or some sort of other accreditation mechanism in this case, I think we'll be much better serve because it is really as a registrar bases but as community...

Bertrand de La Chapelle: Milton?

Milton Mueller: Go ahead.

Bertrand de La Chapelle: Milton, yeah. This is Bertrand. And two comments. The first thing is – one thing is clear in the two proposals that there is a distinction that emerges between entities that are in aware and another law enforcement agencies or actors - national or international, and actors that are none public in a certain way.

That's the first point. The second point is the certification for those law enforcement agencies. I just checked where -- now we were speaking, I'm not very familiar with the structure of Interpol. But what I understand is in the National Central Bureaus, is something that is

established by each Interpol member country and that is staffed by national law enforcement officers.

So, in a certain way, the National Central Bureaus that are mentioned in the second proposals are national officers that would be tasked in this proposal if I understand correctly, to certify so it would be a sort of national certification but connected to an international organization.

And the last point I wanted to make is that there's something that strikes me in the two proposals – if that is I understand it correctly. They both establish mechanisms that are different but the result is the same is to give access to the ones that would be accredited, to basically the WHOIS database to weight is today.

I think we have to ask ourselves whether, whatever, whoever the people are is the result of their accreditation or stratification to have access to anything that you can do with WHOIS today or to part of the database, and this is why I was making the connection with the purpose earlier on. Thank you.

Milton Mueller: All right. That's a very deep point – your last one, Bertrand. I would encourage you to maybe write a message, a paragraph or so, elaborating on that. Maybe as a – something - I would try to find a way to incorporate it into the template as – is that what you mean by purpose?

Bertrand de La Chapelle: Yeah. Okay...

Milton Mueller: But it sounds to me like, you know, it could be incorporated into the access process and mechanisms also. In other words, you're saying,

we don't have to be binary about this. You can say if your purpose is one thing then you get access to this. If it's another thing, you get access to that.

Bertrand de La Chapelle: Yeah.

Milton Mueller: And I guess that's sort of a reflection of the European data protection approach where, you know, you don't get fishing expeditions, you get specific data elements that are related to your purpose.

Bertrand de La Chapelle: Mm-hm.

Milton Mueller: Is that right?

Bertrand de La Chapelle: Yes, absolutely.

Milton Mueller: Yeah. The other point you raised is that, private versus public actors. I think this is going to be the key point at some debate.

If I may be allowed to express my opinion on this, the problem with private actors, in my opinion is that once – it is difficult to draw a category. In other words, I, as any individual citizen may have a dispute with the domain name holder. And in that respect, it's just as legitimate as the major global trademark holder.

So, if you start including private actors, the issue is who can you exclude legitimately? Why is it legitimate to exclude, you know, an individual who got cheated by a website and not exclude a trademark lawyer? This is something that – if you want a broader concept of third parties, you really have to grapple with this question.

Dan Krimm: Milton, this is Dan. Could I have a comment here?

Milton Mueller: Certainly, you may.

Dan Krimm: I just thought that it's possible to think of these proposals in a modular fashion. And necessarily have to connect all four aspects of one proposal to all of the other aspects. So, if there's some potential for mix and match even though there's certain interconnection potential as well.

So, I don't think we should necessarily think of these as being locked together as for, you know, joined at the hips.

Milton Mueller: Okay.

David Maher: Milton, this is David. Unfortunately, I have not had an opportunity to look at the proposals. I just got a summary that you gave, probably because I've been out of the office since I'm traveling today. But I'd like to go to the third – the scope of the third parties' covered. And I think it is certainly BMG that's broader and it's limited to law enforcement, IP attorneys and those concerned with anti-fraud, right?

Milton Mueller: Yes.

David Maher: Well, I'm not sure that that covers the scope of uses. That legitimate businesses make up the WHOIS database. So, I think we're going to need to look at broadening that at least from the business constituency perspective, where we have over the years, identified the uses of that

our members make up the WHOIS database, like security purposes, et cetera.

Milton Mueller: Okay. So, we'll – it's an invitation simply then to develop your own proposal. And again, keep in mind that you'll have to not only say which third parties are you talking about. But you have to identify how they might be certified or authorized.

So - yeah. As I indicated in starting this discussion, these are two proposals quickly put together. Carlos actually up – Carlos Alvarez sent this to me in an email and I put it into the template for him just to show him how it would work.

And so, I think we will need to get more. But I think by having this initial discussion of two - sort of reasonably well-formed proposals that the rest of you can now think about how you would form your own proposal if you don't like what's on the table here.

Bertrand de La Chapelle: Milton?

Milton Mueller: Mm-hm.

Bertrand de La Chapelle: This is Bertrand again. Sorry, I'm using this meeting a bit also like a brainstorming to understand better, what are the different dimensions. One of the elements I wanted to add into the mix is the certification question is one type of question that basically, as far as I understand, seems to imply that. "Okay. You're certified once and then it's over. You can do whatever you want without anybody keeping track of what you're actually doing."

Isn't there another possibility in the middle ground that would combine a sort of light certification and logging of the request that could allow monitoring of improper use in the future?

Milton Mueller: Again, that's a very good comment, Bertrand. And I think you're introducing options, way of structuring the access mechanisms and the certification mechanisms that are much more new ones. And again, perfectly valid proposals could be made along those lines. And I think it's good that you're calling attention to the more subtle options there might be before us.

Well, I think that pretty much gives us what we needed to do here. And then this sort of see how ideas get translated into the template, how the template maybe expanded. And, you know, some of you have different ideas about how specific aspects of the proposals might be handled which third parties certification access and so on.

And then in line with these comments, I will submit a revised template very quickly. And at that point, I think I would like to have the next round of proposals because we're going to talk again on May 9th, I propose that we - after we see the additional proposals by May 8th at 5:00 pm, Greenwich time. Now that maybe too late, maybe we should make that May 7th, so the people have a bit longer to go over those proposals.

How do you all like that as a next step?

Dan Krimm: Sounds good to me.

Milton Mueller: Good. Sounds like an overwhelming vote to me, one voice?

Man: It's okay.

Ken Stubbs: Milton?

Milton Mueller: Yes.

Ken Stubbs: Yeah. I think Maria and Glen are on. I think it's a good idea that we establish Maria some sort of a consistent approach for dealing with proposals and stuff like that. And I think a minimum of 48 hours before any meeting is probably a good benchmark for almost any of the committees. Otherwise, you – again, you run into these variables, you know, one deadline for one committee, one for another. So, at least it's a food for thought.

Avri Doria: This is Avri. Can I comment on that? I think that people getting things as early as possible and two days before or 48 hours given the days are variable.

Ken Stubbs: Avri, get closer to the microphone.

Avri Doria: Sorry. Well, I think it's good to people get things in early and that 48 hours is a good goal. I think with the pressure of time that we've got on things that we have to be prepared, not to let things come in late. It's just that there's been a burden on the person that presents it to give a little bit more detail when they're talking.

And even though there are discussions on things, things can't be resolved on something that doesn't come in a little earlier. But I think

that, just given the clash of things to do and the pressure of time that we have to be careful with deadlines.

Milton Mueller: The only concern I have there is that some of us are using somewhat deliberative process in evaluating on some of the proposals in the future. And I think we need an opportunity to be able to consult with people and our constituency or other people.

If we get last minute proposals, all it does is push these deliberations out for another call because – which is going to get very simply as, “Well, it's interesting but I need to discuss this with people.” So, that's why I think I'm just trying to deal with something that makes sense practically.

Maria Farrell: Milton, it's Maria here. Can I propose to have a rule of thumb up into giving you just try to follow the idea of getting documents to the group by Monday and so that they can have a, you know, at least once in a working a day to discuss them. And I'll be the first to say haven't always met with my staff but I think it's a very good rule of thumb to have.

Milton Mueller: That's exactly what I was hoping you'd say is that, basically both Ken and Avri are right. As a norm, as a rule of thumb, 48 hours is what we want to do. You will get negative brownie points and negative karma for breaking that rule but it will not, I think lead to exclusion of your ideas.

But I totally agree with Ken that we need the time to consult and with our own constituencies and our own, you know, allies on particular issues and if that process will go better. I'm also concerned about kind

of gaming or, you know, deliberate abuse. Not that anybody on this call would ever do that but I mean sometimes it can be gamed and you can, you know, use the element of surprise in a way that is not very helpful.

So, we want to stick to, let's say, 48 hours before the meeting. And recognizing that things will happen and there will be perfectly legitimate reasons why people don't make those deadlines, including the fact that we're all stretched ridiculously thinned by all these ICANN stuff going on.

So, let me ask you this Maria. Do - the process of compiling proposals, is that something that you want me to handle? Or are you able to do that?

Maria Farrell: I can take that on, Milton. That's no problem.

Milton Mueller: Okay. Good. So, you'll be on our list?

Maria Farrell: Yeah. I am already, yeah.

Milton Mueller: Okay. And well, the – so again, use the template to submit proposals as a document, you only need to put your own into the template and then Maria will compile them. And if you submit one early, I think there's nothing wrong with people beginning to discuss it on the list or having more generalized discussions about the nature of third parties, the nature of access mechanisms and so on.

All right. So, it's – nothing else's need to be brought up then we will meet again, May 9th at the same time. And we will probably in a day or

two, have our own mailing list. So - of course there'll be an overlap period where people are confusingly sending things to both lists but I'll try to keep track of that and forward list to the relevant points.

Any other final comments from anybody? All right, we're done.

Man: Done.

Man: Thanks, Milton.

Milton Mueller: Thank you.

END