

**WHOIS Working Group A "Responsibilities"
Teleconference
TRANSCRIPTION
Wednesday 16 May 2007
15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the WHOIS Working Group A "Responsibilities" teleconference on May 16, 2007, at 15:00 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-a-20070516.mp3>

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

Attendance:

Steve Metalitz - IPC - wg chair
Avri Doria - NomCom appointee to Council
Ross Rader - registrar
Carole Bird - observer
Patrick Cain - observer
Bertrand de la Chapelle -observer
Eric Dierker - observer
Chris Gibson - observer
Kari Moeller - observer
Adam Scoville - observer
Melanie Holloway - observer visitor Enom

Absent - apologies
Philip Sheppard - WHOIS wg chair

ICANN Staff:

Maria Farrell - GNSO Policy Officer
Glen de Saint Géry - GNSO Secretariat

Coordinator: Excuse me. Melanie Holloway now just called.

Excuse me. Avri Doria now joins.

Glen DeSaintgery: Hi (unintelligible), Avri.

Avri Doria: Hi again.

Woman: Hello?

Coordinator: Excuse me. Chris Gibson now joins.

Glen DeSaintgery: Hi Chris.

Chris Gibson: Yes, good morning, good afternoon.

Man: Excuse me. Ms. Berg now joins the conference.

Coordinator: Excuse me. Patrick Cain now joins.

Glen DeSaintgery: Hi Patrick.

Patrick Cain: Hello.

Man: Hello.

Bertrand de la Chapelle: Hi.

Eric Dierker: Yes, this is Eric.

Bertrand de la Chapelle: Yeah. This is Bertrand.

Eric Dierker: Hello Bertrand.

Glen DeSaintgery: Hello Bertrand.

Bertrand de la Chapelle: Are we just starting?

Glen DeSaintgery: No, we are still waiting for Steve Metalitz...

Bertrand de la Chapelle: Oh okay.

Glen DeSaintgery: here. And we have got 1, 2, 3, 4, 5, 6 people on the phone.

Coordinator: Excuse me. Maria Farrell now just called.

Glen DeSaintgery: I hope nothing had happened to Steve.

Woman: I'll just have an email from him a few minutes ago about something else, so I think his online.

But there is - personally, I had about 4-minute to wait to get on this call so that could be...

Bertrand de la Chapelle: Yeah, likewise.

Man: Likewise.

Glen DeSaintgery: Yes, so did I.

Woman: There's not (unintelligible) discrimination.

Glen DeSaintgery: So I will get something – I will do something about this.

Woman: Thank you Glen.

Glen DeSaintgery: Sorry, who's just joined?

Woman: (Unintelligible) now joins.

Glen DeSaintgery: Who?

(Olivier): Hello?

Glen DeSaintgery: Hello. Sorry, who's just joined?

(Olivier): It's (Olivier) so speaking.

(Olivier) speaking from London.

Glen DeSaintgery: (Olivier), yes.

(Olivier): Yeah.

Glen DeSaintgery: (Olivier), who are you with? I'm sorry. I don't recognize your name.

(Olivier): It's (Olivier) (unintelligible).

Glen DeSaintgery: (Unintelligible).

(Olivier): It's (unintelligible).

Glen DeSaintgery: Yes.

(Olivier): From Paris.

Is it (unintelligible) speaking? (Unintelligible)?

Glen DeSaintgery: No, no, no. It's Glen DeSaintgery.

Are you on the right call?

Coordinator: Excuse me, Mr. (unintelligible).

This is the operator (unintelligible).

(Olivier): Yeah. Sorry, yeah. I think it's the (one).

Coordinator: Excuse me. Steve Metalitz now joins.

Man: Uh-huh.

Steve Metalitz: Good morning or afternoon as the case maybe.

Glen DeSaintgery: Hi Steve.

Steve Metalitz: Sorry, I'm so late. I've been on hold for the last 10 minutes so.

Does anybody else have difficulty getting into the call?

Eric Dierker: Likewise.

Woman: Yes.

Steve Metalitz: Who is that?

Eric Dierker: Eric.

Woman: Pretty much everyone, I think.

((Crosstalk))

Steve Metalitz: I don't feel singled out there.

Okay. Well, I see we have - see, who do we have here?

Melanie Holloway from ESA?

Glen DeSaintgery: (Let me) to give you - have you got the screen in front of you?

Steve Metalitz: I do have the screen in front of me.

Glen DeSaintgery: Okay.

Steve Metalitz: So I see Melanie Holloway from ESA. Is that correct?

Melanie Holloway: Actually, from eNom rather.

Steve Metalitz: eNom, okay. Well, then I guess - yeah. I was confused there.

Avri Doria is with us.

Chris Gibson?

Chris Gibson: Hello.

Steve Metalitz: Eric Dierker?

Eric Dierker: Hello.

Steve Metalitz: Pat Cain?

Patrick Cain: Yup.

Steve Metalitz: Bertrand de la Chapelle.

Coordinator: Ms. Carol Berg now joins the conference.

Steve Metalitz: Carol Berg?

Carol Berg: Hi.

Steve Metalitz: And then we have - hi Carol. Then we have Maria and Glen.

Glen DeSaintgery: That's right.

Steve Metalitz: Do we have anybody else?

Glen DeSaintgery: No.

Steve Metalitz: Okay. Well, why don't we just start it?

And I'm sure there maybe some other people straggling in, but we'll catch them up.

I didn't circulate an agenda, and I apologize for that.

Glen DeSaintgery: Sorry, Steve. Have you asked the recording to start?

Steve Metalitz: Oh okay. Thank you for reminding me.

Coordinator: Excuse me. This is the operator.

I have just started the recording for you.

Thank you.

Glen DeSaintgery: Yes, please. Thank you.

Steve Metalitz: Thank you very much.

And I should remind people also to identify themselves when they speak. This will aide the transcription.

This is Steve Metalitz, and now getting the call underway.

I did not circulate an agenda. I apologize for that, but I think there are really three items that I know of and then - any others that people wish to add.

One is or schedule. We've been given a couple more weeks to work as a subgroup.

Our second is the outcome of Ross' concern about the scope of the subgroup, and then he comments on that.

And then the third, we got last night a rather detailed proposal from Chris Gibson that some extent builds on the one we talked about last week from Steve Del Bianco, but gets into a lot more detail in some

areas and has some differences. And I think I will ask Chris to walk us through that and an open discussion on that.

And those are the - and then I guess fourth is just deciding on our next - for the next meeting.

So, those are the agenda items that I had. Did anybody else have other items they wish to bring up?

Okay. Turning to the first item, I did get a note from Philip Sheppard, and if you've been on the other calls this morning or today, then you probably know that there's some additional time for the subgroups to work.

I don't know if Philip is sending anything around to the list as a whole on this, but I think the plan now is for the main group to reconvene on June 6 rather than next week as originally planned so that will give us two more weeks to work on ours, and also in Subgroup B and C.

I don't know if C - if everyone want their - like their time and maybe we won't need too either, but we do have a little bit of breathing space, which is - which I think is good.

So, I guess, unless we decide otherwise, I think we should plan on calls of the subgroup next Wednesday and the 23rd and the following Wednesday, the 30th, at the same time and with the same call and information, I assume. And I just wanted people to put that on their calendars.

Any comments or questions about that?

Eric Dierker: This is Eric Hugh Dierker speaking.

I just wanted to extend an appreciation for extending it. I think that whoever the power to be that did that, I really appreciate that. It allowed us for more open, there's some transparency and a lot more discussion. And I think it should note that that's a worthy gesture and a very good thing.

Steve Metalitz: Okay. So note it.

Ross Rader: Hey, I just want to let you know. I'm here, Ross.

Steve Metalitz: Hi Ross.

Ross Rader: Thanks.

Steve Metalitz: And in fact, that's our next agenda item, which was the concern Ross raised about the scope.

I did - I do want to say I'm not sure we got into this last week because Ross was not on the call, but I did forward this to Philip, and ultimately, there was a dialogue between Ross and Philip, and I think that's all been posted to the list. And I will open the floor to any comments that anybody else wants to make on - and that Ross or anyone else wants to make on.

I know Avri had raised the concern on the list, so let - the exchange kind of - is there and speaks for itself, so if there are comments, let's bring them forward. Otherwise, let's move on.

Avri Doria: Yeah. This is Avri.

I just understood from Philip that the whole discussion of the scope was to be avoided.

Steve Metalitz: Any other comments?

Okay. As I mentioned, Chris Gibson did send in a rather detailed proposal last night. I'm not sure everyone's had a chance to look at that. So I think probably the next step should be for Chris to walk us through that.

So, Chris is on the call. I'll turn it over to him.

Chris Gibson: Yeah. Thanks Steve.

And good morning or good afternoon as the case maybe.

The proposal - I'm sorry if some of you - I attached it as a Word document to an email that I sent to the Subgroup A, so hopefully - and those of you who can open it can have a look at that.

I'm going to take you through it in terms of the four questions that we ask ourselves in this group -- who is the OPoC, what issues did the OPoC required to handle, when and how.

And with those familiar topics, starting with who is the OPoC, the proposal suggest that OPoC should be accredited to ICANN, and that's

the starting point. And then underneath that, I've listed a number of different characteristics that OPoC should have.

Let me say that this proposal builds on a fair number of the emails that have been sent among the various subgroup members and discussions during these calls. So I take note (pride) of authorship, I was simply trying to put in some one document, some of the things that I've heard and picked up, and also put forward a positive proposal.

So, the first - and I think there was a concerned voice, perhaps one or two phone calls ago that if an OPoC is not accredited or is not in some form of contract with ICANN or with a registrar, then (be) very difficult to think about how the responsibilities of the OPoC would be and the floor's been carried out.

So, here I suggested that they'll be accredited to ICANN.

And, for example, if a registrar wanted to act as an OPoC, then they would need a separate accreditation to be acting as the OPoC.

A second quick point about who is the OPoC would be they would have to have certain technical capabilities, such as 24 by 7 systems and being able to most importantly communicate and forward automatically any communications to the registrant or the domain nameholder.

Also important in OPoC would have to have the authorization of the nameholder to take certain steps with respect to the domain name registration, such as perhaps reviewing certain contact details of the registrant or in more serious cases, they may need to be authorized to

perhaps direct a registrar to hold or block or suspend or cancel the registration. So they need that authorization directly from the registered nameholder. And then, there should be a distinction.

Now, I'm going to turn to the Web they should be required to handle.

And here, I picked up on some of the ideas of relay and reveal. They should certainly be required to relay communications to the registrant on an expeditious basis.

And by the way, I haven't put a separate paragraph on when the OPoC must act. But I've addressed WHEN in several places through the language I've used, such as they need to relay their communications expeditiously or they need to have 24 by 7 systems that automatically relay or in other places, I gave an example of a response that would take place quite quickly in an efficient attack.

So in that sense, I've addressed WHEN through the language that appears in various aspects of this proposal.

But what they should do, first of all, they should be required to relay communications through the registered nameholder to - and certain they need to be criteria for when they might need to reveal the personal information and contact details of the domain name registrant.

And again, naming to have the authorization to do these things with or without the registrants' participation in certain cases, and the concern could be that once the OPoC performs its duty to relay something to the registrant, the registrant simply name that respond particularly if

the activity - if it's unless that there's some serious wrongful activity just as in the case of many of the domain name disputes where you have domain name registrants that simply don't respond.

You might expect that some of the communications that OPoC relates through to a registered nameholder simply will not be responded to, and therefore, you have to have the OPoC have the authority under certain circumstances to act.

Next - the next or third question was, how should the responsibilities be enforced?

The first item I've listed here is a reference directly to Subgroup B -- certain categories of users should retain full access to WHOIS services or WHOIS data, and that certainly is the discussion in Subgroup B.

Secondly, I've suggested that communications should be classified in two general groupings. There would be one group, which is administrative and technical price of communications and a second group, which would be legal communications. And the focus of this enforcement of OPoC responsibility is thinking through some of the legal communications that might be sent to an OPoC.

I suggested that there - we should attempt to come up with some form of standardized format or mechanism for delivering these communications to OPoC. I think that would facilitate the receiving of these communications and there are examples of this in other areas, and I think some of the registrars have suggested this type of an approach.

I have defined what might be considered a legal communication -- anything alleging that wrongful registration and use of the domain name or wrongful activity by a registered nameholder or perhaps a challenge to an improper OPoC registration.

Again, for enforcement purposes, the OPoC should be accredited.

And they have suggested that registrars should be copied on legal notices to OPoC, so in case they don't fulfill their responsibilities or the nameholders don't, in which case then the registrar should be called upon perhaps to take certain actions depending on what the scope of being - what is being addressed whether is to reveal the contact details of the registered nameholder or in more serious cases, take steps with respect to the registration.

I then talked about improper OPoC registration, and the idea is that if someone - and this relates to some of the discussion that's going on in Subgroup A.

And in Subgroup A, the focus is, as you know, I'm sorry in Subgroup C.

In Subgroup C, the focus is on distinctions between natural versus legal persons, and we've had the discussion, for example, today on commercial versus non-commercial activity.

And what I've done in sub-paragraph H of this proposal is simply talk about a light-weight procedure for challenging, and it sort of sets out a scope for challenging and improper OPoC type of registration -- a registration, for example, of a natural person who's involved in our commercial activity, that's what they would be declaring, but on the

other hand, they turn out, for example, to be a company involved in commercial activities. How would you challenge that type of registration?

So there's some information and there's a procedure there, and I'd be interested in hearing comments.

And then finally, I put - I'm just touching on - at the bottom, I've suggested that communications to an OPoC should be considered valid communications for our purposes.

In other words, if you communicate with the OPoC, you should be able to rely that that means you have effectively communicated with the registrant if it's - for purposes of service or any other type of legal notification.

Of course, this is a decision that would ultimately be decided under national law or by a judge, but at least you can imagine that in the contract or in the accreditation, it would specify that this would be the case.

And certainly, within the scope of the UDRP system, which was - it's within the scope of ICANN, you can suggest that a communication to an OPoC should satisfy the duties of, for example, dispute resolution provider who are supposed to send notice of a complaint to the contact details that are normally published in the WHOIS.

So those are the main points that I highlight in this proposal, trying to answer those questions again, who, what when and how. And I'll be interested in comments.

Steve Metalitz: Okay Chris, thank you very much.

And the floor is open for any general comments or else we could kind of walk through the WHO. You have - just say you have who, what and how and when is kind of interspersed.

Chris Gibson: Yeah.

Steve Metalitz: So, let me see first if there are any general comments.

Eric Dierker: This is Eric Dierker.

Ross Rader: And Ross.

Steve Metalitz: Okay, Eric, Ross, anybody else?

All right. We'll start the queue with Eric.

Eric Dierker: Yeah. Chris, could you enlighten us a little bit more on the non-commercial usage?

It seems to me that I've seen the major problem come up and the Red Cross case is just too beautiful of an example. It's not enough that it'd be

non-commercial. It needs to be non-receipt of money or non-solicitation of many type of concept. Is that been - is that more of a Subgroup C issue?

Chris Gibson: Yeah. This is - thanks.

That - it's definitely a Subgroup C issue, and in fact, we had a discussion, I think, some of the other members on this call participated this morning, and we talked about the difficulties of whether to retain a distinction between commercial versus non-commercial activity, and as opposed to a distinction between natural persons versus legal person.

And in focusing on commercial versus non-commercial, at least in my own view is that they are going to be difficult cases. And there - in those difficult cases, you can try to say where do you draw the lines, and I think an effort should be made to try to develop some criteria.

But I think there are the vast majority of cases where commercial versus non-commercial is something you can look at particularly if at the time, someone would challenge it, you could go to a Web site and say what are they doing on the Web site, ah this looks like commercial activity. They're receiving payment. They're doing other things.

But perhaps you're right. There are cases that would be more difficult to judge.

Eric Dierker: Right. Very - it's being addressed. That's great.

Chris Gibson: It is being discussed, yeah.

Eric Dierker: My next one is I'm not real clear on three K -- know your customer. I'm not quite sure what's you're talking about as far as the funding by institutions, voluntary basis, keeping of a database as this is a separate new database that has something to do with an OPoC?

Chris Gibson: Oh, thank you for that because as I briefly went through this, I forgot - I didn't even looked through - to the last page in front of me here.

But - yeah, that's a proposal that the idea that perhaps a group of institutions would voluntarily fund the database that could be used. And when certain types of words are included in the string of characters that form a domain name registration, it would trigger perhaps an additional review by the registrar involved as opposed to the more automatic activation of the domain name registration.

Eric Dierker: And you see this interfacing with an OPoC in which way?

Chris Gibson: I see it interfacing with the - while we're considering what to do with the whole WHOIS question, I think this is a proposal that could be factored in and it would certainly interface with - it could be made available to registrars, for example, at no cost if it's funded by other sources.

Eric Dierker: Thank you very much for your hard work there, Chris.

That's all I had. Thank you.

Steve Metalitz: Okay. Thank you.

I have Ross in the queue.

Ross Rader: I'm not sure that I understand the notion of accreditation in this. Perhaps you could explain that in greater detail. I think I'm missing something there.

Chris Gibson: Sure. I'll give it a shot.

I know that - I think I know that there was a concern. And perhaps, Steve, you can help me?

Was it Adam Scoville who might have raised the concern in a call, perhaps one or two times ago, that if there's no link between the OPoC as an entity in the ICANN system or the registrars, then how do you consider something that this Subgroup A is supposed to talk about, which is enforcement of responsibility?

ICANN, of course, has a well-develop accreditation system that is in respect of registrars and registries, and the idea would be to pass through a set of accreditation requirements in respect of OPoC. So the same type of approach that ICANN has adopted in other context would be applied in the context of the OPoC.

And in that way, we assure, you know, we try to come to some degree of confidence that the OPoC responsibilities will be carried out properly.

Ross Rader: Yeah. This is absolutely zero relationship or capability mass between what do we take to accredit a few 100 registrars and registries, and what it would take to accredit 60 million plus operational points of contact. So I would really - if this is the (link spin) in the proposal, it's essentially unworkable on this basis.

There's a lot of other things in here that don't see to - that I wouldn't necessarily agree with - for the discussion, but around the accrediting of contacts in the WHOIS database. It's just - we're talking about

millions and millions and millions of entities, and to think that this is something that ICANN can do is very unrealistic.

Chris Gibson: I, you know, I have thought quite a bit about your comment, and I understand the concern.

And there's really as I see it a difficult choice here because if you don't try to come up with some (system) to accredit the OPoC, then you're going to push more - enforce these responsibilities on the registrars, and I would understand that registrars been (so) - perhaps don't want that burden.

But the only way - if the contract then is going to stand between the registrar and the OPoC, it's going to be more responsibility on the OPoC - on the registrar to be taking certain actions and to be valuating things.

If things go wrong at the next step, which is the next step in the chain of contracts, and so, you know, that's an...

Ross Rader: But - are you doing is describing the way things work today? Yet, none of the administrative nor the type of - could contact the accredited, and registrars are continuously enforcing the obligations of the contract, so I'm not sure what the - why registrars wouldn't assume those responsibilities and given they were already doing those things today.

Chris Gibson: Right. Then it would be, for example, that there would be an additional supplemental set of requirements for registrars to carry out.

And of course, in - it would be important that ICANN have the resources to see that registrars do carry out those types of...

Ross Rader: And what were those some of the responsibilities be?

Chris Gibson: They would have to be - as I put in certain places in this proposal, they would have to take certain types of responses when a communication to an OPoC, for example, hasn't been responded to or...

Ross Rader: So you're...

Chris Gibson: And the question is, do you push some of these decisions first to the level of the OPoC or do you push them to the level of the registrar?

Ross Rader: So the general proposals would be...

Steve Metalitz: Can I just see if anybody else wants to get in the queue here?

Ross Rader: I just need - I need to understand this, Steve.

So, the proposal then is to shift those responsibilities away from the registrant to the Operational Point of Contact as it relates to maintenance of accurate information, maintenance of, you know, timely payments of renewals, not infringing the rights of others, et cetera, et cetera, et cetera.

Chris Gibson: I - to go back to where I started, and this is in (reference) here for OPoC (about) here is that OPoCs be accredited. And then I was suggesting to you that if that system is one that you think is

unworkable, the alternative is to push through more accreditation requirements to registrar.

Steve Metalitz: Let me ask if anybody else wants to comment at this point or is it just being a dialogue here.

Eric Dierker: This is Eric Dierker. I...

Steve Metalitz: Okay. Let me just see if there's anybody else that wants to get in the queue.

Eric Dierker: Okay.

Steve Metalitz: I'll put myself in after Eric. So Eric go ahead.

Eric Dierker: Yeah. I see the argument or the proposition or the problem of it being millions and millions as not really a fair argument at all. There's - if there's a registration, there's a registration.

If we added a little bit of a burden to the registration, that's what we've done, but it's still one registration at one registration time.

So, for an OPoC and a registrant, it's still one at a time. That's how it works and it doesn't matter if it masses into millions.

Right now, we're - we've got millions in the WHOIS database so, of course, we're dealing with millions, but it's one at a time to get accredited, just one at a time to get registered. I don't think that's the...

Steve Metalitz: That's ridiculous, Eric. That's really ridiculous.

Chris Gibson: Excuse me. Let's...

Eric Dierker: Okay. That's just my opinion.

Thank you.

Steve Metalitz: Yeah. This is Steve. I'm - I had myself next in the queue.

It's - I mean, I was, you know, Ross has said, there will be 60 million OPoCs, and I suppose that's possible.

It strikes me that there are probably three categories. If this one be - the OPoC system were implemented, there will probably be three categories of OPoCs.

First, if there's a lot of discussion in the WHOIS taskforce when this is being first floated...

Man: Uh-huh.

Steve Metalitz: ...that in many cases, the registrar would be the OPoC.

Indeed, some registrar said they would probably make that default so that unless the registrant shows another entity, then the registrar would be the OPoC and therefore that would be the contact information that would be in the WHOIS system.

If that were the case, obviously the registrars are already accredited, and if - I don't think it would be a large - I mean, there'll be some

additional responsibilities and there might be some additional requirements, but there's already an accreditation process, and there probably would be ways to fold that into registrar accreditation so that, you know, so to do it - be as smooth as possible.

The second possibility, which I mentioned on the last call, which I don't think is reflected here in Chris' proposal, but I'll bring it up again, is that the registrant may choose to be the OPoC.

In most cases, the registrant will have all these capabilities, and the registrant certainly wouldn't have to worry about relay because if it went to the registrant giving his full contact details as the OPoC - if registrant shows to do that, it would probably be feasible. And then I presume that you wouldn't have an accreditation requirement if the registrant were the OPoC.

So, the question comes in. Are there likely to be third party OPoC providers, if you will, that aren't registrants -- that aren't registrars, but that see a business opportunity here to provide the service. And I'm not prepared to assume there'll be 60 million entities that want to do that.

Obviously, there may well be some and so the question is, is it feasible to require that those be accredited or in some way have a contractual relationship that can be used to leverage the enforcement of their responsibilities.

Ross Rader: Steve, if I may please?

Steve Metalitz: Yeah. And that - let me just see if anybody else wants to get in the queue.

Okay, Ross?

Ross Rader: We - that you - we're discussing this is in very theoretical terms.

And it completely ignores the fact that we have millions upon millions of registrations today. We have proxy providers today, we have hosting companies today, we have private individuals, we have corporations, we have a broad range of actors. They're acting as the contacts for these registrations today.

So for us to say that there may or may not be in some theoretical sense a method by which we may or may not be able to accredit these individuals and then feed them into this chain of responsibility that we're seemingly being forced down the road of designing is completely out of touch with reality.

I think we need to deal with the issue of who we're talking about first, and whether or not it's even remotely reasonable to assume that we can enforce these responsibilities.

I know whether or not it's more appropriate for us to simply say the registrant have these responsibilities today. The registrant must continue with these responsibilities tomorrow. Penalty for failing to do so will be loss of their domain registration.

Bertrand de la Chapelle: Steve?

Steve Metalitz: Yeah. Yes, Bertrand?

Bertrand de la Chapelle: This is Bertrand.

Just...

Steve Metalitz: If anybody else wants to get in the queue?

Go ahead Bertrand.

Bertrand de la Chapelle: Just one remote following the three categories that you were mentioning.

The second category where the registrant can choose to be the OPoC doesn't solve necessarily the question of protecting the privacy.

And as I raised in the last phone call, one concern I have here is that we are putting together two different questions when talking about the OPoC, one is the protection of the privacy of an individual, which is registering a domain name, and the other thing is the whole discussion about what I could call it being the proxy or the proxy activity.

And once again, we are addressing the two questions at the same time.

And the case of the protection of privacy for registrants, they do not necessarily want to go through another person, if they registered them, so as the OPoC, then we're back to the first WHOIS or the present WHOIS system, if I'm not mistaken.

Then, the other point is when proxies, as was mentioned, do exist, is there any special regime that should apply in terms of responsibility to these proxies of this case (is from)?

Thanks.

Steve Metalitz: Thank you Bertrand.

And anybody else want to get in the queue?

I'll put my self in the queue.

First of all, on the point about the registrant being the OPoC, you know, we did this discuss this last time in a little bit offline as well. I think we just disagree, I mean, I don't really see the problem if the registrant voluntarily chooses to be the OPoC and expose his data and take on the responsibilities, but maybe we'll just disagree about that.

I know that Chris' proposal doesn't really address that question of the registrant being the OPoC.

On your question about proxy services, yeah, it does raise the question of whether there's the need as some have already suggested for some type of accreditation for existing proxy services. And I suppose we should consider that when we think about how realistic this accreditation proposal is here.

That the third point I would make is that this may be an area where we don't, you know, where we need more data to make a sound decision

as far as, I mean, we don't really know if the OPoC system were brought into force.

Now, WHO people would designate as the OPoC whether they would designate themselves, whether they would default to a registrar if that were the option, whether there would be third parties that would come in.

And we also don't really know WHO people are designating as admin and technical contacts today. At least we don't have any very much data on that as far as I know.

And this might be an area in which it would be useful to have more data before including whether or not it's realistic to acquire the accreditation of OPoC because I can certainly see this scenario in which there would be - in which the OPoC role would be likely played either by a registrar or by some third party who wants to be in that business, and that accreditation might not be a huge problem in that circumstance.

And, of course, it might leave the registrant with the option if they didn't want to do that of designating themselves as the OPoC.

Chris Gibson: And this is...

Steve Metalitz: It might be an area in which we need more data on how people are behaving now - how registrants are behaving now.

Chris Gibson: This is Chris. If I can put myself in the queue?

Steve Metalitz: Okay. Does anybody else want to get in the queue at this point?

Okay. Go ahead, Chris.

Chris Gibson: Very quickly.

I did know it's your point, but I didn't put it in there as perhaps quote you with under A1. There's a little bracket there where I talked about the OPoC could (unintelligible)...

Steve Metalitz: Oh, I'm sorry.

Chris Gibson: ... (softly) to register name on there. But you're right, it is in there and it should - it deserves the more prominent process of possibility.

And then, I think the discussion that some of the points you've raised and some of the points that I believe Ross has raised, you know, actually go to the - something that could have been (unintelligible) from the outset perhaps a subgroup talking about transition issues because, you know, something that starts to become clear from this is how do you transition from the existing system to some other form of system.

Is it - how will existing registration to be effective? And when and what point will people be asked if they want to know, you know, under some form of OPoC approach?

You could actually spend a fair amount of time trying to grapple it the difficult issues of transition.

And so based on what your assumptions might be, will it be easier if you said this is only a system going forward at some point for future registrations? You could imagine that the accreditation approach is easier to build in. It's a system that must apply to everything at once.

Well, you have difficult issues no matter what approach you choose.

Steve Metalitz: Okay. Thank you, Chris. I think that's an interesting point.

Of course, usually when a new consensus policy is adopted, and we're not - but if and when we get to that point, there's usually some type of implementation group that's setup to handle what you're describing as transition issues.

But that - I think pretty much no matter what if there are changes to WHOIS, there would be transition issues that would have to be thought through.

Chris Gibson: Yes. I just think it that the type of suggestions you had - Steve and that Ross had actually start to pointing the directions saying those will be implicated by any of that (court).

Steve Metalitz: Okay. Any further comments or question for Chris?

Eric Dierker: Yes, this is Eric Dierker again.

I just wanted to clarify. I was not aware of the big issue that the - no matter how the transition occurs that the registrant couldn't be the OPoC. Is there actually an issue involved there that is someone's opposed to such a concept?

Steve Metalitz: Well, I'll ask Bertrand to see if he has anything to offer on that.

Bertrand de la Chapelle: No. Thanks for asking the question because I'm afraid that I - it maybe my English.

I do not manage to convey the problem I'm seeing. The question I'm seeing is not to allow the individual to be the OPoC or registrant to be the OPoC.

The key question that I see as a problem is, what happens if an individual registers a domain name doesn't want to put somebody else as an OPoC, but doesn't want his own personal data to be revealed?

According to the work of the other groups, this should be possible. I mean, I had reserved on a personal basis for non-commercial purposes, but potentially in the future for commercial purposes, domain names that I like.

And what I understand from the debate and maybe I'm just misunderstanding the debate. What I understand from the debate is that somehow I am being told that if I want my privacy data to be protected, I need to designate somebody else and I'm wondering if this is exactly the proposal.

If it is the proposal, okay, but I'm not sure it's necessary.

Steve Metalitz: Okay. Well, just for clarification, Bertrand., in that circumstance, what would appear in the WHOIS, it would - the registrant information would

be Bertrand de la Chapelle, your (département) France. (And that's it), and what else would appear in the WHOIS data as far as contact information?

If you decided you didn't want to designate a third party, but you still want to maintain your privacy.

Bertrand de la Chapelle: The key question is, how the rest of the data is accessed, and this is the old debate, I thought was the discussion about the OPoC.

What I'm a bit surprised, and once again I'm coming on this debate very late, what I'm surprised is that I thought that the debate on the OPoC was going to be mostly around the functions of relaying and contacting and allowing the conditions for access to data under the discussion of Subgroup B.

And what I discovered, and I'm not against it, I just want to say that I didn't understand that was point, and that we're actually discussing OPoC as a mode of somehow regulating or accrediting the existing proxy services. It's a different type of subject. I don't object.

And that...

Steve Metalitz: But in that scenario, if they would just add information about you, minimal and then nothing else, there wouldn't be any relay possibility. There'll be no one to relay, so anybody who wanted to get more information would have to go through whatever process Subgroup B comes up with.

Bertrand de la Chapelle: Exactly. And this is why I thought there is a process is Subgroup B that is being discussed like, for instance...

Steve Metalitz: Well, but if you say...

((Crosstalk))

Steve Metalitz: ...the Subgroup A. I mean, in other words, if people didn't have to designate an OPoC, then basically everything would be shifted into Subgroup B, which is I think, I mean, it's a valid model to discuss. I don't think it's really the OPoC model.

The OPoC model assumes there will be some OPoC data, there will be some relay, I think that much we know. And if the registrant has the option not even to designate an OPoC, then we're in a different situation.

Bertrand de la Chapelle: Okay. So, this is what I feared. It's my own misunderstanding.

And let me clarify to see if I'm right. I'm sorry for the time that I'm making everybody lose.

Steve Metalitz: Well, go ahead.

Bertrand de la Chapelle: So, the point is that the case I was addressing in your mind relates exclusively to Subgroup B, which is the case where somebody does not designate an OPoC.

Steve Metalitz: Uh-huh.

Bertrand de la Chapelle: And then Subgroup A is the case where somebody designate an OPoC, right?

Steve Metalitz: Well, yeah. But I mean - I think that's your approach to it.

I'm - I think the structure of this working group is a cumulative approach that Subgroup A talks about what the OPoC would do, and Subgroup B would talk about the circumstances under which some parties to be designated -- through some method to be designated get access to other information that is not made public in WHOIS.

So the two were cumulative, they're not alternative.

I mean, I just think that if your approach were adopted, there would be enormous pressure on Subgroup B -- the Subgroup B approach to make it extremely open, you know, just so that you could be - I mean that you'd have to lower the thresholds, what you would have to show and who could show it in order to gain access to that information.

Bertrand de la Chapelle: Okay, I don't want to drag the discussion too far. I may misunderstand something, and I will check offline with some of you further.

Sorry, once again, it maybe because I'm coming late.

Steve Metalitz: No, that's no problem, Bertrand. I think it's a useful discussion.

Let me see if anybody else...

Bertrand de la Chapelle: Okay.

Steve Metalitz: ...wanted to get in the queue or had any questions about Chris's proposal.

Patrick Cain: Pat Cain, I like (be) in the queue.

Steve Metalitz: Okay Pat. Anybody else?

Pat, go ahead.

Patrick Cain: One of the problems I kind of have with the central accreditation or central certification stuff is historically, it hasn't worked because there's no good reason for somebody to get accredited or certified.

I mean, if you (squint) the kind of - I'm probably the OPoC now for a bunch of domain, when we go out and do the OPoC model, and you want me to be accredited, I'm not so sure I would go up and do this because there's no advantage to me.

There maybe advantage to you, and I'm probably going to get a lot more letters from attorney. But me as a business, I mean, as a person, I don't get anything there.

At the same time, if I don't get accredited, I'm not convinced anybody's ever going to be able to tell. I mean, you can't go into the WHOIS data and say even the OPoC (approach) so who's accredited and who's not accredited because, you know, if go to citibank.com and you look at who the OPoC is, you have no clue if that's actually a Citibank

employee, if that's some guy in the street, if that's their attorney, if somebody else.

So, I push a lot more on the responsibilities of the OPoC of doing the relay, and then try to figure out how to make it easy for the registrars and decide that relaying failed. We have to take some action.

Steve Metalitz: Okay. Good point.

I suppose one answer would be you could require them to list their accreditation number of the OPoC in that - in the WHOIS data and then you could check that, you know, right now you can go to ICANN and see who are the accredited registrars, and presumably you could do the same with...

Patrick Cain: Yeah. But, my problem is that the fishing and fraud business, we get to people that don't play by the rules.

Steve Metalitz: Right. Absolutely.

Patrick Cain: So I need to put the number there, how many did you joined? I've got (protected) credit card numbers here. I'll pick one because I don't want to be (unintelligible), but I mean there's that, you know, we're going to force people to do it, and the people that I have to deal with, don't follow the rules.

Steve Metalitz: Well, I mean, I'll see if Chris has anything he wants to say on that because I think the reason that Chris you're suggesting accreditation is for the enforcement side of it. So we have...

Chris Gibson: Oh yeah.

Steve Metalitz: ...an option.

Chris Gibson: Yeah. This is Chris.

I mean, it's a good point. I think that you'd have to again, there would have to be something where registrars - there have to be a system in place for registrars to have to identify whether the party attempted to register the name is an accredited OPoC.

It have to be at that point because otherwise they wouldn't accept the registration from someone who's claiming to be an OPoC, but isn't. So there have to be some system in place.

And I think the comment highlights that that might be in itself a difficult system to implement but, you know, these are the types of things we have to grapple with.

Steve Metalitz: Okay. Any further comments on Chris' proposal?

Okay. Well, let me turn out to our next steps since we're running short on time anyway.

As I mention at the top, we will - we have the capability of two more meetings, and I'm assuming that we're going to use that capability.

I know a lot of people had not - had a chance to really digest Chris' proposal, and I would encourage folks to do so and to use the list to ask questions and raise concerns and suggest changes to it.

I think it's the most well worked out proposal we have in front of us, but it's obviously not too late to have alternative proposals as well that would have different answers to the questions of who the OPoC would be and so forth.

I guess, I would suggest that we continue that on the list, and that if people do have additional, you know, I missed one thing for adjustments to this proposals, but if you have a different approach, I would encourage people to come forward with it if possible by Monday so that we can have a little while to look at it on the list.

Are there other things that people think would be - would find useful in terms of evaluating this proposal? I mean, Chris has followed the WHO, WHAT, HOW format to some extent, and that's one way to look at it.

And I suppose another way might be based on the three categories we talked about last time, talk about what are the relay responsibilities, what are the reveal responsibilities and what are the remedy responsibilities that this group put on the OPoC. And it may be useful to kind of slice it that way and, you know, maybe I could try to do that before our next call.

And again, I think this issue of accreditation is an important one and one that deserves more discussion about how it might work, how it can be done in the most lightweight fashion and yet still provide enforceability, or there are other ways that we could try to basically keep bad actors -- try to chase bad actors out of the OPoC system to

keep bad actors from setting up as OPoCs and thereby frustrating the system.

So I would welcome every - anybody's - everybody's thoughts on those points.

Any other comments or questions?

Okay. In that case, we'll wrap up the call. We will convene again next Wednesday at the same time with the same phone-in numbers and so forth, and it's all a lot of few extra minutes to get on the call and dial in...

Chris Gibson: Yeah.

Steve Metalitz: ...and (five) off, and we'll be able to get off to a prompt start.

I want to thank Chris for all his work on the proposal and thank everybody else for their comments. And unless there's something else that people want to bring up, we'll declare the meeting adjourned.

Thank you.

Chris Gibson: Thank you.

Steve Metalitz: Bye.

Woman: Bye.

Woman: Thank you.

END