

**WHOIS Council Discussion
Teleconference
TRANSCRIPTION**

Wednesday 10 December 2008 18:00 UTC

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<http://audio.icann.org/gnso/gnso-whois-20081210.mp3>

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

Attendance:

Avri Doria – GNSO Council chair - NCA
Chuck Gomes – GNSO Council vice chair - Registry constituency
Steve Delbianco – CBUC
Mike Rodenbaugh – CBUC – GNSO Council
Tony Harris - ISP – GNSO Council
Bill Drake – NCUC - GNSO Council
Steve Metalitz – IPC
Tim Ruiz – Registrar - GNSO Council

Staff

Liz Gasster
Kurt Pritz
Glen de Saint Gery

Absent apologies

Edmon Chung

Coordinator: Excuse me. I'd like to inform all participants today's call is being recorded. If you have any objections, you may disconnect at this time. Thank you. You may begin.

(Avri): Okay, thank you very much. Okay, so looking at the list approved here, we've got (Chuck Gomes), we've got Liz Gasster, we've got we've got (Ken Stubbs (Steve Metalitz), (Steve DelBianco). It's (DiBianco), right?

(Steve DelBianco): (DelBianco), thank you.

(Avri): (DelBianco). Right. I've always said it wrong. Apologies. (Anthony Harris), (Mike Rodenbaugh), and (Bill Drake). Anyone I left out that's here, because we're on a speaker phone?

Okay, great. So, I put together an agenda which I have just amended after getting comments from (Liz) and as I say, that's on the Wiki under WHOIS discussion, so first, we've got review agenda. That's what I'm going to do now.

So, presentation of the IPC comments on the registry model, then presentation of the BC comments on the model, and I didn't have time to read them so I don't know whether they were directly off the registry or off registry plus IPC. Then (Liz) wants to comment on area 6, 36 and 20 based on discussions with the what, enforcement squad?

Liz Gasster: The compliance group (unintelligible).

(Avri): The compliance group, sorry.

Liz Gasster: (Marie) and three (unintelligible).

(Avri): That's a good thing, the enforcement squad.

Liz Gasster: Yeah, they might like that. I'll pass that suggestion on to them.

(Avri): Okay, sorry. Okay, yeah, and then there's presentation of any other available constituency comments or positions, so assuming that some of the other constituency may have comments that they've discussed but not yet - just not had a chance to write down and so they can discuss them through.

Then sort of hopefully a discussion of the proposal as it seems to be coming together, given the comments that we've received and see how we can basically move ahead.

Next steps, I'd say up front my favorite next step is that those that have put together proposals come up with at least a beginning of a motion that we can start discussing for an end game on this particular phase of this work, i.e., coming up with the request for proposal and costs if any for a study. Actually, no. It would be for a study, if any, not costs. So, anyone else want to review - add something to the agenda? Any changes?

(Anthony Harris): I just have a question, (Avri), this is (Tony Harris). I don't - I see the BC document submitted but I can't find the IPC. Can anybody tell me where the date it was e-mailed?

(Avri): It was sent on the council list within the last - was it last day two day?

Man: Actually, it's been a little longer, I think.

(Avri): Okay, yeah.

(Anthony Harris): And it was sent by who? By Glen?

(Avri): It was sent by Glen.

(Anthony Harris): Okay, fine. I'll look under Glen. Thank you.

(Avri): Yeah, it was several days ago. It was on December 8 and it was sent from Glen, (unintelligible) study: IPC comment on RYC working model.

(Anthony Harris): Perfect. Thank you.

(Avri): Okay, then. So IPC, (Steve) you're going to talk us through it?

(Steve DelBianco): Yeah, as I joked with (Chuck), we tried to find some negative things to say about the registry proposal but we didn't really find too much and we just had a couple of comments.

One is that - I think it's actually Study D in the registry proposal, if I'm not mistaken.

Man: The one where we combined them, yeah. I think you're right.

(Steve DelBianco): Yeah, combined a bunch of stuff relating to proxy services and we thought that there were other studies that could be combined there and these were all studies that were ranked as a four out of five, I think, in terms of value by the registry constituency, so I don't know if that meant they just didn't quite make the cut.

But we thought that they would also be useful and it would - a lot of overlap, so we suggested combining those other studies which are all

lumped together, were lumped together by the working group I think and are lumped together in the registry constituency document.

Man: Hey, (Steve) a question for you on that. Were you suggesting lumping them together with what we'd already combined in B or a separate group?

(Steve DeBianco): I think they could fit well with B, actually.

Man: Okay, well that's good. I didn't pick that up so in the little summary I sent around, I didn't do that, but that's easy to change.

(Steve DeBianco): Okay, so that was one, because we thought the idea of consolidating was a good idea, and then on feasibility, we had some - there were some that the registry constituency identified as not particularly feasible and we can get into some of that, but we thought it would also be difficult to implement the study on use of non-ASCII character sets and WHOIS records.

Now I understand this is kind of a different animal, I think. This is supposed to be a technical study so I guess as I understand it, you don't need a big existing set of data to work with, and so maybe this is feasible on that level.

But we just thought this had not really been an issue that had been - in terms of the question of adding value to the policy development process which is what this is all supposed to be about, we didn't think this had been a high priority on the policy development agenda so we just suggested that maybe that shouldn't be - that that should be put on a lower level.

And then there were a couple of hypotheses that we thought - it deserved some more attention. Study 15 dealing with port 43 access which we thought - I mean, this is an issue that's kind of come in and out of the debate over the years as to whether if the abuse - if the main source of abuse is access through port 43, are there ways to deal with that.

So this study is trying to prove or disprove that hypothesis that port 43 is the source of a disproportionate amount of the problems that may arise from access to WHOIS data so we thought it was important to include that.

And then finally, we had the study 20 which I guess - well, for one thing, 3 and 20 I think are overlapping but the registry constituency had approached them differently and we thought they should be treated pretty much the same.

We thought they were both important and that they ought to be given a higher priority, so I think our thought was that the registry constituency approach is a good one in terms of consolidating, trying to make our initial cut about feasibility and setting priorities.

We just had some relatively minor adjustments that we wanted to make in the - kind of the output of the use of that method by the registry constituency.

(Avri): Okay, thank you.

Man: Thanks.

(Avri): Questions, comments? I'll take a few.

(Anthony Harris): Yeah, (Tony Harris).

(Avri): (Tony), go ahead. Yeah, go ahead, (Tony).

(Anthony Harris): Yeah, I just wanted to say that I am the - speaking for the ISPCP - we would be happy to support these comments made by the IPC, since they agree with what we think and we will have some further comments. It's not just this, but we do agree with this as (Steve) has expressed it or as the IPC has expressed it.

(Avri): Thank you. Any other comments at this point?

(Steve DelBianco): (Avri), it's (Steve DelBianco).

(Avri): Okay, (Steve).

(Steve DelBianco): And this was in our comments, it was the third, the business constituency that bided on this and I thought I would bring it up now because I was not taking issue with what (Chuck) and the registries have put in, but rather because I'd seen (Steve Metalitz)'s IP comments on the IDN string that I responded to in our comment, so I thought I would take that up with you now, (Steve).

(Steve Metalitz): Sure.

(Steve DelBianco): So, on the second page of the comments that we submitted, we speak to Area 7 Study 11. That was a study that I had submitted on

checking that IDN string, non-ASCII characters and WHOIS records would affect data accuracy and readability.

So I tried to respond directly to your observation that it wasn't controversial thus far and truly, truly we had intended this to be anticipatory of problems that would show up in the next probably nine to 18 months as more and more IDN characters made their way into the record, sort in WHOIS so it was definitely anticipatory.

But I felt like it really did have a likelihood of affecting WHOIS policy since I believe that the problems that I fear could happen would require rather quick policy moves and seeing how long it takes to do studies, I was hoping to get it in this batch rather than waiting for the next round, if it happens in our lifetime.

(Avri): Hi, this is (Avri). Can I ask a question? I understand why there would be technical issues, but why policy issues? Could you explain that?

(Steve DelBianco): If the technical issue reveals that there are problems of mixed - the use of mixed string within the records of a WHOIS, then there would be a policy decision requiring that registrars who capture WHOIS data would require that the user adhere to the same IDN string in every field - in every character of every field - and that perhaps it would be consistent with the strings and languages that are used for the actual (the main man). That'd be an example of a policy item.

(Avri): Thank you. Anyone else wish to comment at this point? I might point out two things. One and I neglected to point this out at the beginning but I expect most of you to know this, (Chuck) did make an effort at putting together a set of tables, a WHOIS study summary, that sort of

try to capture all this in table format, so that's a useful sheet for people to be looking at.

And then if there are no other comments, it might be good to get both - get the BT view discussed, any clarifying questions, then get Liz's issues put on the table, etc., and then go back to general discussions on, you know, so that doesn't get too confusing as we talk. Does that make sense?

(Steve Metalitz): (Avri), this is (Steve). I would add one more thing on.

(Avri): Sure thing.

(Steve Metalitz): Area 7. Study 11, that's the IDN character study. I noted in there that the registry constituency's proposal ranked this particular study as a top priority and I wanted to see if (Chuck) wanted to expand on that a bit as to why you guys also thought that it was going to be important.

Chuck Gomes: Well, some of that may be that we're anticipating like you are, too, this is going to be a huge area. Now, a lot of that doesn't have so much to do with WHOIS studies as the whole need to revisit WHOIS so that it better accommodates IDNs.

And that's not an issue I don't think for this venue but just, you know, we think that there could be some significant issues with regard to accuracy and readability when we get, you know, significantly more IDN names.

I guess part of the reason (Steve) is that we believe that what non-English speakers have wanted all along is a full IDN experience and so

we think and who knows whether we're right or not but we think that with the introduction of IDN top-level domains that the take-up on IDN registrations will increase significantly.

(Avri): Okay.

(Steve Metalitz): Thank you.

(Avri): I have a question. In looking at your chart, I see 7-11 listed as IPC with top priority and yet feasible. Is that correct based on...

Chuck Gomes: I don't know, (Steve), correct me. I put this thing together pretty quickly this morning.

(Steve Metalitz): What's it say in the report?

Chuck Gomes: Let me look at - oh, what I did - oh, let me explain that, (Avri). That's a very good question. I said something to this effect in my e-mail but in case of the IPC and the BC, if they didn't comment on a particular study or set of studies regarding priority or feasibility, I just assumed the same as the registries.

(Avri): Right, but they did have a discussion of Study 11 under feasibility.

Chuck Gomes: Did I miss it there? Please let me know.

(Avri): I'm just saying, you know, it's for the IPC to look at the table and say yea or nay.

(Steve DelBianco): I'm not sure what table you're referring to here.

Chuck Gomes: I printed out, oh, maybe less than an hour before this call, (Steve). I tried to summarize the studies based on the RYC positions, the IPC positions, and the BC positions.

(Steve DelBianco): Where would I find that?

Chuck Gomes: I sent - oh, (Steve). I can send it to you. Let me send it to you.

(Avri): Or you can find it in the council repository.

Chuck Gomes: I can send it to him, it's not a problem.

(Steve Metalitz): I didn't get it either, so if you could - if you send it to the council list,...

Chuck Gomes: Oh, that's right. Neither one of you would have gotten it. I'm sorry. I should have - I really should have thought of that, I'm going to get it coming right now.

Woman: So I sent it to (Steve Metalitz), sent it to (Steve DelBianco).

(Avri): Okay, and we can come back to that later so if people can just look at it in the background and then after everybody's spoken, we can come back and just make sure everybody agrees with what's under their name.

Okay. (Steve), would you like to talk through the BC?

(Steve DelBianco): Sure, (Avri). I've already covered one, so there's only two other quick ones. At the beginning of our comments, I felt compelled to sort

of as (Steve) did to acknowledge (Chuck)'s efforts and the leadership he showed and to thank the registries for coming together on this and taking the lead.

The next thing I did was to summarize the method. The method is the real key to I think what the registries and (Chuck) have come up with and it's complex, I mean, it's objective and it gives you a roadmap to follow in picking studies but it is complex.

So, I sort of recapped it to say that we're really trying to get through Steps 1 through 4 before we balance in Step 5 and then praise the actual resolution that would go to staff in Step 6.

So it strikes me that until you finish Steps 1 through 4, it isn't necessary to draft a resolution (Avri) asking staff to cost-out certain studies and I'm hoping that we can actually proceed with the Steps 1 through 4 on calls like this and get it done as quickly as we can.

So my next comment area was in Area 6, Areas 6 and 7 were the biggest concern for the business constituency and Area 6, Study 3, and it's a targeted test of proxy services to figure the speed and accuracy with which they reply when given a relay or a reveal request.

I mean from not law enforcement in this case but coming from private sector requesters. This is all pursuant to the RAA3773. The comment that the registry constituency had put in on it was that it was a compliance issue that should be handled by ICANN compliance staff.

And if that is true, I'll be happier than anybody because that means it'll be less expensive and get done more quickly, but I have my doubts.

Chuck Gomes: Let me interrupt you just a second, (Steve). Is that the one that you're going to talk about, (Liz)?

Liz Gasster: Yes.

Chuck Gomes: Okay, so she actually may have an answer for us today, (Steve).

(Steve DelBianco): Great.

Liz Gasster: Yeah, and I talked to (Steve) briefly, too. I just want to, you know,...

(Steve DelBianco): I'm just setting it up for Liz. I could be mistaken about what obligation proxy services and registrars actually have and I do want to Liz to pipe in on that but I thought I would just summarize that the comments that the business constituency has is that we believe like the registry said, in one point in the registry proposal, you indicated that this should be done by compliance staff and then in another place, (Chuck), you guys did score this as a Category C.

Chuck Gomes: And I have no explanation for that, (Steve).

(Steve DelBianco): Okay. Internally inconsistent and I...

Chuck Gomes: I read your message.

(Steve DelBianco): When you said would need to be performed by a professional organization, that is what I was thinking. I spent some of my career as an auditor and sometimes when you test a system, you actually construct tests and you fire these tests at the system and see how it

responds, right down to having a stopwatch and then examining it for accuracy.

And that strikes me as a very different kind of a compliance function than what I'm seeing so far with respect to the compliance that's going on at ICANN.

I know it's new and maybe they'll ramp-up to be able to do that, but it's a rather targeted kind of a compliance test and it's one that's done as sort of an experiment.

We set-up several weeks of testing or several days of testing and generated a sufficient quantity of tests to really figure out whether these proxy services are responding with accurate data and whether they're responding quickly enough.

So having said that, I wanted to quickly cover my second comment and then turn it over to Liz because it's the same relation. With Area 7 and Study 8, that had to do with the hypothesis that some registrars knowingly tolerate inaccurate or falsified data in WHOIS as a point of entry for user revision.

And on this one, the registry staff suggested that it was a compliance issue that should be handled by staff and the BC, we repeated our same concern that we believe that it be given to outside professionals for them to scope it and this is the same thing that's true of Number 3.

If we ask an outside professional to scope what they would do to construct such a study or test, we can then compare that to what the ICANN compliance staff said that they would do, and that'll give

counsel the opportunity to say looking at the two approaches, either we're happy to go with what compliance staff will do or we might say in our resolution that we prefer that we go outside for this.

So I'm sort of - it's a hybrid to (Chuck)'s six-step method. God forbid I should make it more complex than it is, but it does say that sometimes we can't make the decision on how to proceed until staff tells us the way the compliance staff would like to proceed.

So that's a method I'm adding sort of as a slight difference to the methodology that (Chuck) has put forth, and with that, either I could take questions on what the BC has said or we can turn it over to Liz to throw a monkey wrench in the works when it comes to what RAA3773 actually requires registrars to do.

Chuck Gomes: Hey, before Liz does that, let me suggest that both (Steve)s pull up that table if nothing else to make sure I captured things correctly.

(Avri): Yeah, I'd like to open it to at least clarifying questions, if anybody wants to ask anything clarifying before we move on to something that resembles...

Chuck Gomes: Oh, I have a clarifying question, (Steve). On that Area 7 Study 8, I don't think you specifically stated that it was a top priority but that is what I assumed. Was I correct in that?

(Steve DeBianco): You were right.

Chuck Gomes: Okay, all right. Good.

(Avri): Any other questions? Okay. Liz, could you cover what you're going to cover and then could you also sort of talk about the extra question of coming to the staff with a question about, you know, what the compliance department would think regarding what (Steve) just brought up.

Liz Gasster: Yeah. So let me answer the second first. I think that it's related. I have been talking to the compliance group, just trying to keep them informed as the council's thinking evolves on what studies are priorities and where there might be overlap with compliance or with direct connections to compliance.

And so I think increasingly we should get them involved directly. Their inputs have been helpful to me and I think they'll be helpful to the group and I will try to facilitate that and it's of course very helpful to know what you're really honing in on because then we can target their time to contributing on those particular studies.

(Avri): Okay, if I can interrupt for a second. That means that perhaps we want to have - invite them to one of these discussions?

Liz Gasster: Right. That would be - or, you know, that would be my suggestion, so (Stacy Burnett) and (David Giza). (David) is the new compliance director working with (Stacy). That would be my suggestion.

(Steve DelBianco): May I ask - this is (Steve). May I ask a follow-up to that? When we do invite them in, of course we'd provide them with (Chuck)'s plan. Of course you'd provide them with the (unintelligible) comments so please encourage them to click on the links to look at the underlying study as

it was submitted oh so long ago, because that's the only way they'll see what I meant by tightly-targeted testing.

Liz Gasster: Right, right. Yeah, thanks. Okay. So just real briefly on - in the course of these conversations with the compliance group, (David) and (Stacy), I was talking to them specifically about Area 6, Studies Number 3 and 20, and their interpretation of the RAA3773 is that there is no requirement that the registered nameholder promptly disclose the identity of a licensee when there is reasonable evidence that actionable harm in 3773.

But that is not actually a requirement but rather it just means that if the registered nameholder fails to promptly disclose the identity of the licensee, that they would accept liability for any harm caused by the wrongful use.

I'd like to - that - let me just say that understanding was new information to me and I wanted to - I reached out first to (Steve DelBianco) and in the interest of time would have liked to have done the same with (Claudio) who proposed the other study to get their understanding of that and if that was their interpretation and I'd like to ask the group and the experts who've been working with these provisions longer than I what your understanding of that is.

But if that is the case, if the compliance group's interpretation of that is right, then it might be more useful in terms of a study proposal to just a study of basically the extent to which proxy registrars cooperate, meaning whether the RAA provision effectively meets the needs of law enforcement and dispute resolution requests as phrased today in the RAA.

So, I think for starters, do others agree or comments on the compliance group's explanation of the provision and based on that...

(Steve Metalitz): This is (Steve). I can answer that. Yeah, we don't agree with that interpretation and we don't think it's appropriate to try to pin anybody down in this context. We've been - you know, to be perfectly blunt about it, we have been whip-sawed on this issue for years.

We've been told that it's a compliance issue and then when we go to compliance, they say no, it's a PDP issue and then we come back to the PDP and they say it's a compliance issue.

So I'm not going to - I'm just not going to go down that road. I think there is a compliance issue there and in the original group, I raised this point that this is a compliance issue and if we have a study, I don't want there to be a hold-up on compliance and the opposite would be true.

If we study this, if we pursue this as a compliance matter, I think the study could still be valid, so unless and until we get some kind of definitive determination on that, I wouldn't use that as a reason not to pursue a study and I also wouldn't use it as a reason not to pursue compliance.

Liz Gasster: What's the definitive determinant?

(Steve Metalitz): Well, let's, you know. If there's - for example, if there's action taken against a registrar and they successfully win an arbitration over this issue, then that would be a determination.

Liz Gasster: Okay, thanks.

(Steve DelBianco): This is (Steve DelBianco). Can I speak to that?

Liz Gasster: Please. Anyone else want to be in the queue on this issue? Go ahead, (Steve).

(Steve DelBianco): Great, thanks. And I'm not a lawyer and have never actually done a query based on 3773, but I can speak as one who was on the earlier working group. We identified the specific language in 3773 and in fact, it's the first note we inserted at the top of the report that our working group produced on October 13.

The first note actually repeats the language of 3773 and as Liz just said, it quite correctly says that a registered holder licensing the use shall accept liability for harm caused unless they promptly disclose the identity, so you're exactly right that that's what it says.

But when we discussed it during our working group, I think (Steve Metalitz) is correct in saying that we all sort of operated under the assumption that that assumption of liability was sufficient to motivate the proxy registration operators to reveal so as to avoid the liability.

I think what Liz has asked is first of all, your first question Liz was did we realize that that's what it is, and I wasn't as aware of it as I should have been and your second question is, should we first ask rightsholders if the phrasing of 3773 is adequate today before we study whether and how registrars reply and it strikes me that I would agree

with (Steve Metalitz) is that we ought to test what is the reaction of proxy operators when they're given a query.

Did they ignore it and thereby assume the liability or do they reply and do they reply with accurate data? I would still love to know that the factual matter is how they are replying and if somebody doesn't reply, we might actually discover it was because the registrar proxy was unaware that they had either to reply or to assume liability, in which case we have an education challenge, right?

But we may actually have an enforcement challenge in that some proxies are not revealing and don't care, so I'd love to discover the fact of that before I would query rightsholders about whether the current 3773 is adequate for their needs. Thank you.

Man: Just an interjection here. Welcome (unintelligible) (Fritz) on the call.

(Tim): This is (Tim). I'd like in the queue on this.

(Avri): Okay. Anyone else want to be in the queue on this? So at this point, I think we've gotten to a general discussion of where we are but (Tim)?

(Tim): Well, the one issue that all of this discussion has skirted around and I think that it really hinges on is the definition of the reasonable action or reasonable evidence of actionable harm and I'm not sure how a study proceeds without that understanding.

Otherwise, how do you evaluate what's been done? Your discussion seems to make an assumption that reasonable evidence is always

presented, but that's hard to evaluate without knowing what that reasonable evidence is expected to be.

(Steve DelBianco): This is (Steve DelBianco). Can I try to reply to that?

(Avri): Certainly. One question that I have for Liz first. Was this one of the terms that was on the list of things that needed to be defined?

Liz Gasster: Oh, I need to look. I should know this by heart.

(Avri): Yeah, so should I but I don't. Okay, go ahead, (Steve).

(Steve DelBianco): When I composed the Test Number 3, which is the one that references this, the discussion we had is that I would rely upon (Tim) and (Steve Metalitz), rely on you guys to come up with an example of what was definitely reasonable evidence of actionable harm and that that would have been the test e-mail that went out to the proxy.

So when you construct this test audit, it would have included an unequivocal demonstration of reasonable evidence of actionable harm so that all we were testing was the accuracy and speed with which a proxy would reply, and we wouldn't have to really test it, boy, I wonder if this meets the bar of reasonable evidence of actionable harm and I realized (Tim), that's the elephant in the room and that's really important.

But all I was really seeking to test is that when they're given unequivocal evidence, do they ignore it, do they reply with accurate data quickly enough?

(Avri): Okay, (Steve), I'm not sure I quite understood what you meant. Did you mean that as part of the test would be like one or several test cases? If you were told X, Y and Z, how would you react, is that what you meant, or did you mean that there would be some sort of here are a couple of examples - if you saw stuff like this, how would you respond?

(Steve DelBianco): A little different than both of those, (Avri). I would have literally selected samples from a population of the names upon which proxy services were serving and picking an actual domain to submit fabricated evidence of actionable harm for the purpose of testing the response of the proxy service operator. That's an audit test, the kind of things we do with the accounts receivable systems in the accounting field, and it's an actual test.

So to eliminate (Tim)'s really tricky question, I would have constructed the test so that they contained whether it's fax or e-mail, I don't know how you guys do it, but would contain an equivocal evidence of actionable harm so that all we're really testing is the responsiveness of a proxy.

(Avri): But if we don't - pardon me for asking more questions, I'm being dense - if we don't have an agreement on what unquestionable means, how do we do that?

(Steve DelBianco): Excellent. I had the impression, the optimistic hope that even (Tim) could take a look at a couple of examples that say (Mike Rodenbaugh) or (Steve Metalitz) could put in front of them and you could say yeah, I mean that's - I know it when I see it, reasonable evidence of actionable harm, and it might be a fax of a fabricated Web site.

It might be a phishing attack or some such evidence and I would invite (Mike) or (Steve) to pitch in now to say what you would say is unequivocal evidence.

(Avri): Well actually, that would be an interesting experiment to run on this team, see if perhaps those who believe they know the examples to actually posit them to the group and see how the group reacts. Liz, were you able to see whether it was one that was on the list?

Liz Gasster: It's not, (Avri).

(Avri): It probably should be.

Liz Gasster: Yeah.

Man: What list are you referring to, (Avri)?

(Avri): We've been trying - we had a discussion at one of the things of trying to create a list. Liz was trying to create a list of words and terms that had come up that would probably need definitions, either extrinsic or intrinsic, in terms of...

Man: In this exercise?

(Avri): In this particular exercise, because several times various terms have been sort of (unintelligible) and I think in one conversation we actually did talk about, you know, we need to get some of these terms, you know, working definitions.

No one's going to get a full definition that everybody can buy into but we figured it was possible that on some of these things, we would need to have working definitions at the plant which we asked somebody to test these things, but I think this was a point that came out in one of our earlier conversations so Liz has been trying to build that list of terms.

Liz Gasster: Exactly, and it was back in Cairo that we kind of came up with the first eight terms and I'll add this one to it but (Steve), I did send a note out I hope that was forwarded to all the constituencies as well as to the council with the eight terms.

I know everyone's inundated but, you know, just inviting people to share working definitions they may have or suggest, both on the council and in the constituencies and I hope you received that.

(Avri): Yeah, that was the approach that we had decided to take in Cairo is that everyone would submit their view of the definition and then we would look at those and see what kind of working definition can sort of emerge in common.

Or perhaps it would just be a question of submitting, here are the various working definitions of this term. Deal with it.

(Steve DelBianco): Okay, I'll look for that e-mail. I don't recall seeing it.

(Avri): Okay.

(Steve DelBianco): If you send it to the council list, I might not have gotten it.

(Avri): No, but if I think - Liz, you said you sent it also to the constituencies, but it may be worth resending.

Liz Gasster: Yeah, I actually - yeah, I'll make - double-check.

(Avri): Okay, thanks, and I think that this is perhaps a section we can add to this WHOIS Wiki page that we're just starting today. Okay. Now, I think the next thing I had on the agenda was...

Chuck Gomes: Hold on, (Avri), before you do that.

(Avri): Okay, other questions?

Chuck Gomes: I found some other clarifying questions that point out to me on my tables and first of all, (Steve), on Study 8, I've been thinking about what you said on that, and that's probably not a formal study, is it? It's probably more of a fact-gathering, a technical exercise. Is that correct?

I have it categorized as a formal study and it's really not is it? An empirical study, it's more of a gathering...

(Steve DelBianco): I didn't write that, so I'm going to quickly drill down and look at the details before I answer.

Chuck Gomes: Okay, that's fine, and while you're doing that, let's see. There was a couple of places. In Area 1, Study A, (Steve Metalitz), is it okay to just put your priorities and feasibilities the same as the registry's? I don't think you commented on that one.

(Steve Metalitz): Yeah. No, I think in general, if we didn't comment on it, we can go along with what you said.

Chuck Gomes: Okay, okay.

(Steve Metalitz): To answer your question, the person who submitted Study Suggestion number 8 suggested that the method was to examine existing WHOIS reports and by that I believe they mean WHOIS compliance reports and then compare with other domains in the same registry, reading the details.

If any of you have my report up, you can click on the hyperlink on study 8 to see what I'm talking about. Does anyone know who prepared this one?

Chuck Gomes: So, would you say that's a fact-gathering in analysis or a fact-gathering?

(Steve Metalitz): Based on both. If you examine existing WHOIS reports and...

Chuck Gomes: Okay, that's fine. It's fact-gathering and analysis, then.

(Steve Metalitz): I believe it's both fact-gathering because they're saying you would compare with other domains in the same registry and that looks to me like they're examining multiple WHOIS.

Chuck Gomes: That's fine. That's what I needed. I just - I mischaracterized that one in my table. I'm going to color it green instead of yellow, if you looked at that table, so you'll know what I'm talking about.

Now, (Steve), in - (Steve DelBianco) - in the case of Study A and Study 15, would your priority and feasibility be the same as the registries had or would it be the same as the IPC? I left that one out in the table that I sent around. That's why I'm asking. So Table 15 is your priority - medium priority or a top priority?

(Steve DelBianco): For Study 8 in Area 7,...

Chuck Gomes: No, no, don't worry about Study 8. I got that one already. You had that in your message. Study 15, okay? Study 15, the registries but it as a medium priority and questioned whether it was feasible. IPC is a top priority and they thought it was feasible. I'm curious as to what the BC thinks on that one, because I didn't - I missed that one in my table.

(Steve DelBianco): Like, give me a few minutes to check on that.

Chuck Gomes: Okay, that's fine. You can get back to me on that. Now, there's one other one that I apparently missed and it's down in the low priority studies which would have been the third table and I see that (gac) 2, the second line there, I didn't put priorities for the IPC or BC. I would assume that it's the same as the registries on that one? Is that correct?

(Steve DelBianco): For (gac) 2?

Chuck Gomes: (Gac) 2, yeah. It's one that you guys - you didn't comment on it on your statement, so in those cases, I just assumed it was the same as the registries, but I didn't put it in the table, so I'm just clarifying.

(Steve DelBianco): Yeah, after being in India last week, I'm cautious to say anything that governments ask for is low priority. Trying to get some enhanced cooperation.

(Avri): Oh, please, let's not go there. In another context I might be willing, but not here, please.

(Steve DeBianco): I would definitely agree. I would not give (gac) 2 any higher than you gave it, (Chuck).

Chuck Gomes: Okay.

Man: Can you remind me what (gac) 2 is? I'm just looking through this. Oh no, no,...

Chuck Gomes: I've got it. Just a second, I'll find it here.

Man: No, I see it now.

Chuck Gomes: You see it? Okay.

(Avri): Okay. What I'd like to jump to quickly now and I was going to restrict this call to an hour. I hope nobody was planning for a longer call is I was wondering - okay, we've heard from registries, IPC, BC, and a little bit from ISPC. I'm wondering if there's any more comments to add-in at the moment from the other constituencies.

That's not to say they might not come in later, but it was really good if having started this chart and assuming that we're continuing with this as a working model which I think is a good idea, that the other constituencies look at (Chuck)'s chart and see if you can't fill-in those blanks even without writing a lot of words and just whether you could give content.

Now, one of the things I'd like to suggest and this is sort of an activity for Liz and/or others on the staff and me is to try and take (Chuck)'s charts and somehow translate them to the Wiki with the ability to point behind the study and actually pull it up and such so that we have a working tool, so that we have all the pieces that people need for these - for discussing this kind of at hand.

And the other thing I'm wondering if we can work on whether this makes sense is - and this is following the method - which is I think if I'm correct, we're fairly well through the first steps, although we haven't gotten everybody's opinion. Is that a correct assumption on my part? We haven't eliminated...

Man: Which first step...

(Tim): (Avri), this is (Tim).

(Avri): And I think (Steve DelBianco) did a good thing of summarizing the model in simple sentences, categorizing the hypotheses as to whether they can be evaluated and I think a certain amount of that has been done with the priority and feasibility. We're still doing some of that.

Combine the hypotheses that could be tested with a single study, I think that's in the area of grouping, that registries started which IPC and BC are commenting on and shifting a couple of things around perhaps.

And then three, we haven't gotten to eliminating any study but what we have done if we accept this model is while we haven't eliminated, we have elevated some top priorities, and one of the things...

(Steve DeBianco): This Step 4, we are doing the rating in Step 4, (Avri), too.

(Avri): Right. Right, and we haven't really gotten too much to that one but we have started that, but what I was starting to look at is as we proceed on this and I know I'm trying to rush us to some sort of end game but I believe that's my job, to try and rush us to some sort of end game so we get there.

(Tim): (Avri), this is (Tim). Can I...

(Avri): Sure.

(Tim): I mean to comment and ask a question.

(Avri): Okay. Can I finish just this last thing, is that as we proceed, that we pay more and more attention to looking at top priority and where we go with that, leaving the others to later in discussions. Okay, (Tim).

(Steve Metalitz): This is (Steve Metalitz). Could I get in the queue after (Tim)?

(Avri): Sure. (Tim) and then (Steve).

(Tim): See, in regards to the priorities, I mean I don't really expect much of anything new to come out - to come from the registrars. I mean, we kind of did this exercise in a previous working group.

Liz can probably recall, you know, we rated all these and it was difficult to do a rating when the view of the registrar constituency is that study should be (unintelligible) so I don't know where that comes in or how that gets captured.

As far as the rating is concerned that is kind of where we're at, so I guess that's my question is without stirring the pot because it's, you know, (unintelligible) I don't want to waste time on it, but is there a place that views here in that process or not?

(Avri): It certainly seems like if they were all called low priority, I mean, that's in some sense what you're saying, is...

Man: Well, actually, there's another thing - another choice besides low priority. The last category is no study at all.

(Avri): And so if that's how the registrar constituency basically wants to fill them, but there may also be interesting information that you can say no study, but you may have different end views on whether some are even feasible or not.

Some you may say no study should be done but yet would be feasible and some you would say no study should be done and no, we don't even think it's feasible.

So, and there may be somewhere, and I don't know, the registrars would want to say, well, you know, if a study is done, yeah, maybe this would be a low priority, so I don't know, but certainly, you know, the box to be filled in, and if it's not studied, then it's not studied.

(Bill Drake): (Avri)?

(Avri): Yeah, I have (Steve) next.

(Bill Drake): Okay. Put me on line.

(Avri): Okay, (Steve), and then (Bill)?

(Steve DelBianco): I'm sorry. Yeah. First I just want to say I agree with the last thing (Avri) said in her earlier intervention which was that we should focus on the top priority items, and second, maybe because I'm not on the council, I'm a little unclear on actually what this group is supposed to be doing and its longevity.

If it has its own Wiki, is it going to have its own list and if so, who do I send names to to be on the list and just how are we going to proceed as far as that goes?

(Avri): Right. Okay, as I see this, this is sort of one of our drafting teams trying to get to a motion and also there's several working groups they've gone through and this is as a fairly small group trying to get to the point where we can float a motion to the council that the council can vote on.

(Steve DelBianco): Isn't it correct that everyone on the council was invited to this and of course, like usual, we'll allow alternates as well.

(Avri): Yeah. Oh yeah, this was a full council open call with alternates allowed and so yeah, but it's really a council thing now of taking all the information and trying to figure out a motion that we can go forward with.

Man: Okay, do we - is there a timeframe by which we're supposed to do that?

(Avri): This is where I'm pushing for as soon as possible.

Man: Okay, all right, but not beyond that, okay.

(Avri): And I can't say and every week, basically I'm asking can we get to a motion yet, and every week not yet, be patient, so to me it's as soon as possible. As soon as we can come to an agreement on a motion for top priority studies that people feel comfortable, that it's gone through the method as much as people think, that we can present to the council for a vote, I think that we should bring it to a vote. It's been going on for a long, long time now.

(Steve DelBianco): Sure. Okay.

(Avri): (Bill)?

(Steve DelBianco): Is (Steve DelBianco) in the queue?

(Bill Drake): Yeah, it's a simple point, (Avri) and CUC's view is pretty much the same as (Tim) articulated. I think that people basically are of the view that no studies are really required, so I'm in kind of an odd position listening to this discussion of how to prioritize. They didn't really want to get into prioritizing, so that's where my constituency is.

(Avri): Okay, I think it would be quite reasonable if both registrar and CUC were to just put it on the table and say no study, and then if though

you've got any view as to what's feasible and what's not feasible, whether you want to do the study or not, that would be interesting information to capture.

(Bill Drake): Okay.

(Avri): (Steve DelBianco)?

(Steve DelBianco): So (Avri), first was to answer your question on focusing on top priorities. BC's answer would be yes. The second is that (Chuck) had asked where the BC would come out on Study Number 15 and we would agree with the IPC that that should be a top priority that (unintelligible).

And the third question is about moving forward with a motion. At the beginning of my comments, I'd said that when the registries laid this methodology on the table, they then applied the methodology to the best of their knowledge in terms of rating and so on.

The IPC and BC have layered ours in and if we're successful, we can hear from the rest of council participants as they layer their priority levels in, but that implicitly sort of assumes that we're all accepting the method without a motion to accept the method.

I should hope that we could do that, and that the only resolution, the only motion that would come out is in Step 6 where we finished applying the method, get everybody's input, and then and only then do you have a motion which is the request to staff to cost the studies.

Man: All right, (Steve), if I can jump in to follow-up on that. I think it's reasonable to think that there might be more than one motion. For example, we could have a motion to go ahead and ask staff to do cost estimates on top of priorities and then we could later come back with a motion to do some others, too, so that's the only variation I would suggest on that.

(Steve DelBianco): So there's more - there's flexibility. There could be multiple.

(Avri): Right. I think if we try to wait until we have a monolithic motion, I think we may be doing this for awhile.

(Tim): The same is true - this is (Tim) - the same is true with the methodology. I don't think that my not being fully participating verbally in this discussion should imply that the registrars' agreeing with the methodology.

(Avri): Right, but as you...

(Tim): He may be resigned to it, but that's a whole different thing.

(Avri): Right. As a group, there has been really no major objection to proceeding with this as a working model to try and get to the end game. Of course, anybody can put together a motion at any time a week before a meeting, you know, to do anything.

But in this case, in terms of trying to follow this, we'll get to a motion, so we're at the end of the hour. What I'd like to suggest and I'd like to hear from Liz whether she agrees to work with me on this is to try and

get two things done before another phone call and I'd also like to ask people if this time next week is reasonable.

To get another phone call going where A, we sort of completed filling this table even if the answers are all the way through, no study, not feasible, but at least we've gotten a picture from all the constituencies and if (unintelligible) we can, I don't expect one from (gac).

And so we will have pretty much finished the categorization. We will have pretty much finished the combination. We can then look through and see what if anything we can eliminate, especially from the top priority at the next discussion.

And then perhaps we can even get into a little bit of discussion on the point four of making sure we know its value in affecting future policy that we should see that from the chart, too, so does that make sense?

Man: Yes.

(Avri): So we try to get something on the Wiki that sort of makes it easy for people to see and talk about. We have another meeting next week. We try to have completed through Step 3 for the whole council as it were, and just getting it all recorded, and we try to move through 4 and 5.

Chuck Gomes: Now, I have a couple of suggestions, (Avri). One of them is that it would probably be a good idea to go ahead and redistribute the table with the corrections I put today, just in case it takes awhile to do the thing on the Wiki. I hope that's doable.

(Avri): I think that's a great idea.

Chuck Gomes: Yeah, and in doing that, I think I've got some edits. Certainly, if anybody else catches anything, let me know but, and I'll send it out real shortly, but I see that I left out the non-com on my talk of categories and the table is pretty wide already. Would it be okay if I substituted non-com instead of (gac)?

(Avri): It's okay with me, I don't know.

Chuck Gomes: I mean, I don't think we're going to get any participation. We can always get their feedback. It's not that we're not...

(Avri): Yeah, no, I don't believe we will get a formal (gac) answer.

Chuck Gomes: So I will change the (gac) two columns there to non-com and then you can work with the other two non-com reps in terms of how you want to decide on that.

(Avri): Right. We can come up with something.

(Steve DelBianco): (Chuck), this is (Steve). Let's not discount the opportunity for government to weigh in. It may not be the (gac), but it could be (vertronned) and I had a long talk with (Everton Lucero) on the plane on the way home and he's agreed to ask people in Brazilian government to take a look at our study workgroup plan, so who knows? We could get...

Chuck Gomes: Yeah, no, I don't want to do that either, except that I'm not looking forward to adding another two columns.

(Avri): Once it's on the Wiki, adding another column is more trivial than it is on a doc file.

Chuck Gomes: Okay.

(Avri): Web pages can get as wide as...

Chuck Gomes: I will send this out then as soon as this meeting's over here, so...

(Avri): Okay, were people okay on tentatively planning for next week same time.

Chuck Gomes: It works for me.

Man: Works for me.

(Avri): Okay.

Man: Sure.

Liz Gasster: And then (Avri), do you want me to just upload what (Chuck)'s revised charts?

(Avri): Yeah, I think that's the first thing to do is to upload and then you and I can talk at some point about whether we want to do something that's Wiki-friendly or not.

Liz Gasster: Okay. Thanks.

(Avri): But we can do - you and I and whoever else on staff - you know, you end up pointing at to help us with this.

Liz Gasster: Yeah, I know the charts aren't fun, so...

(Avri): Right. The charts aren't fun.

Chuck Gomes: So I'll send Version 2 of the tables to the council and including the two (Steve)s. Does that cover everybody?

(Avri): Yeah, sure, because that'll hit the (alac) and (gac) waves on also for...

(Steve DelBianco): Is (Steve DelBianco) on there and...

Chuck Gomes: The two (Steve)s.

(Steve DelBianco): You should also have (Lee Elgin) who is my alternate. I'm sending an e-mail to Liz right now on that.

Chuck Gomes: Okay. Why don't you send me (Lee)'s e-mail address and I'll include it in my distribution, okay, (Steve)?

(Steve DelBianco): Great.

(Avri): And as I say, and with apologies to (Steve DelBianco) who really wants to follow the method, I am going to keep pushing to get a motion on as quickly as possible, so it can move forward. So, okay, that's it for today.

Chuck Gomes: And by the way, just one closing comment. I received the comments from the IPC and BC as very constructive, so you know, and obviously I'll go back to the registry constituency on the whole issue, but I thought they were very helpful, and that's what I was hoping for out of this whole thing.

(Avri): Right, and the ISPC basically has sort of agreed with that since there's some variance between registry IPC and BC perhaps they'll want to...

Chuck Gomes: Yeah, it would be helpful if each constituency, you know, what they could really simply do is just fill-in the table and send it, to that, you know.

(Avri): That's what I would say for anyone else, I mean, for you know, register and non-commercial also, and you know, use do not study, you know, no study, as liberally as you feel you need to.

Chuck Gomes: So you'll take the lead (Avri) on the non-com column?

(Avri): Yeah, yeah.

Chuck Gomes: Okay.

(Avri): Okay? So thank you all and talk to you again next week if not sooner in some other conference call.

Man: Thanks, (Avri).

(Avri): Okay. Bye bye.

END