

**WHOIS Study Group
Teleconference
TRANSCRIPTION
Tuesday 12 August 2008 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the WHOIS Study Group teleconference on 12 August, 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://audio.icann.org/gnso/gnso-whois-sg-20080812.mp3>
<http://gnso.icann.org/calendar/#aug>

Participants present:

Chuck Gomes - GNSO Council vice chair -gTLD Registry C
David Maher - gTLD Registry C
Steve Metalitz - IPC
Lee Eulgen - IPC
Steve DeBianco - CBUC
James Bladel - Registrar
Tim Ruiz - Registrar
Eric Brunner-Williams - Registrar

ICANN Staff:

Liz Gasster
Glen de Saint Géry

Absent apologies

Ken Stubbs - gTLD Registry C
Olga Cavalli - NomCom appointee
Wendy Seltzer - ALAC Liaison on the ICANN Board
Eric Brunner-Williams -Registrar
Jordi Iparraguirre - Registry C

(Chuck): I'm assuming it's started so rather than wait...

Glen DeSaintgery: I know she usually says when she starts...

(Liz): Yes, the recordings have started.

(Chuck): Thank you very much. Okay, all right. Welcome everybody. Since I've got meetings (unintelligible) I can see we've got (Liz) and (Glen) and

(Steve Delbianco), and (Steve Metalitz), (James), (David) and myself on the call. Did I miss anyone? Okay. Any comments on the agenda? Any changes suggested?

I just messed up my meeting by trying to get another Web page, no? That's the way it goes. Oh, that's, and watch that. All right. If not, then we will go ahead and get started.

First of all, are there any, is there any discussion on the things that we did last week? Let me pause a moment and allow for that. Nobody has any comments, everybody's okay with the changes that we did last week? Very good.

All right, then, and that was of course in the notes area as well as area 7 and I really appreciate the work that, unless that had happened in the past week, with regards to area 7 and the (unintelligible) I know that should greatly facilitate our work today.

Let's start off then with area 7 and GAC 4 which thanks to (Liz) and (James) both, they pointed out that that was one that we had (unintelligible) left off and so let's take a look at those and hopefully you have the Wiki up.

Glen DeSaintgery: It's Glen DeSaintgery. I'm the leader of the call and I'm calling in now from another line.

(Chuck): Welcome, Glen.

Glen DeSaintgery: The (unintelligible) w-h-o- (unintelligible) okay?

(Chuck): Glen, are you on both the, you're with us now, is that right? We're hearing your conversation. Okay, so GAC 4 then, (Liz) has suggested a hypothesis and so did (James) and the text in the GAC letter was - are there methods employed by registrars to detect fraudulent domain name registration?

If so, how successful are they and what do they do with that information? (Liz) had suggested a hypothesis of registrars employ successful methods to detect and respond to fraudulent domain name registration.

And (James) had suggested a three-partner there, some registrars do not actively employ methods or processes to detect fraudulent domain registration, B was registrars who employ methods or processes to detect fraudulent domain registrations are ineffective against the problem, and C registrars who employ methods take no action when a fraudulent registration is detected.

Let me just open that up for discussion and (Liz) and (James) feel free to share the basis of what you put there and any thoughts you have.

(James): Hi, (Chuck), this is (James).

(Chuck): Go ahead.

(James): Actually, (Steve Delbianco) submitted an alternative text to the list that combined those three areas I thought fairly well. (Steve) do you have that handy?

(Steve Delbianco): Let me check, lets' see if I do. I do. All right, so a significant number of registrars do not apply effective methods to detect fraudulent domain registration and do not take adequate corrective measures when fraudulent information is detected.

(Chuck): And I think you guys as I recall the e-mail exchange, there was one or two words that were (unintelligible) as well. Any comments on that?

(Steve Delbianco): (Chuck) at the very end, I had also suggested saying when fraudulent information is detected or reported and (James) and I have gone back and forth about whether it's fair to infer reported as part of the hypothesis that the GAC had in mind, and so they seem to focus on detection in this.

But (Val) was sharing my perspective. I think if you consider the GAC comments at large that they're also interested to know what the registrar would do if told that there was an inaccuracy, that is to say a reported inaccuracy, but I could go either way on that.

(Chuck): And (James), I think you had some concerns about (unintelligible). Do you want to communicate those?

(James): Yeah, and I think concern is probably a strong word. I just had the question of it was not, I didn't take that same interpretation away from the GAC question. I understand there's just one sentence, one or two sentences there but I felt that this was much more, their question was more focused on what registrars were doing of their own accord to internally detect and correct fraudulent domain registrations and less so of how responsive they were to compliance programs or notices that their (unintelligible) information was fraudulent.

(Chuck): And (Liz) you also worked on this one. What thoughts do you have in this regard?

(Liz): I was striving for simplicity and you know I tried to capture the health success story and what do they do in the detected respond to but you know I'm totally flexible about what they (unintelligible).

(Steve Delbianco): This is (Steve). (Chuck) if we were to leave the (footage) as mentioned to (James) and (Liz), if we were to leave reported out, then there would be no place that there's a concern about whether registrars take appropriate action to correct inaccurate information when it's reported to them and (James) is entirely correct.

It's not in the actual GAC number 4 but I infer that from conversations with GAC and listening to their concerns about data inaccuracy and "who is", but if we leave out reported, we should have a good consensus here, leaving in detected and we can probably just move on.

(Chuck): Anybody else have some thoughts on that?

(Steve Metalitz): Yeah, this is (Steve Metalitz). I think (James)' formulation is correct in terms of what the GAC was asking and I have two concerns here. One is if we say detected and reported, are we kind of mixing together what the registrars are doing on their own and what they're doing in response to reports.

I suppose some registrars could take the position that they're doing enough on their own and that's really all that's needed, so this would

test that hypothesis more clearly than if we extend reported inaccuracies or fraudulent registrations.

The second point is that to some extent, this overlaps with one of the audits that is supposed to be happening in the contract compliance area and again I don't think that's necessarily a red line that we can't venture beyond.

But it's just worth noting that there is a, I can't remember the exact name of it but there is an audit that contract compliance people are undertaking about how registrars respond to reports that come in through the "who is" data problem reporting system and how they respond or not to that.

So I've just, throw that in, but that may be part of what we're trying to get at here. We may get some data from another source.

(Chuck): Right. Good. So you're okay with dropping the reported words at the end?

(Steve Metalitz): Yeah, I would be.

(Chuck): Thanks. Is anybody opposed to that? So then what does...go ahead.

(Tim): Just a question I guess more than anything. This is going to, we're going to, just like with the others, we'll be sending this to the GAC at least given them an opportunity to comment on the hypothesis that we formulated, correct?

And even if they don't and if we do and even if they can't respond within the timeframe that this group needs in order to include it in our report to the council, as long as (unintelligible) format, you know, when they do have a response, even if it's post-report, that they still are welcome to communicate that to the council directly if necessary.

Then I'm good with it going either way, to be honest.

(Chuck): Thanks, (Tim).

(Liz): This is (Liz), I just have a question about where (Steve Delbianco)'s formulation is. Is that in the...

(Chuck): It was in an e-mail exchange that occurred between (Steve) and (James) on our list this past week (Liz).

(Liz): And I'm trying to find it now. (Steve), could you...

(Chuck): I'll forward it to you, the exchange. You'll have to go down a couple of messages to get it but I'm sending it to you right now. If you just go down a little ways, it was on Monday, August 11th.

(Liz): Okay. I'm sure I have it then (Chuck).

(Chuck): Well I just forwarded it to you so it says, a significant number and you'll have it, you should be able to cut and paste shortly if you're online. A significant number of registrars to not apply effective methods to detect fraudulent domain registration and do not take adequate corrective measures when fraudulent information is detected.

And we're going to, I've heard no objections to ending it right there so we'll remove the or reported at the end.

(Liz): Got it. Thank you.

(Chuck): Okay? You've got it?

(Liz): Yes.

(Chuck): Okay. Any other discussion on that? Okay, good. So we've taken care of it. Thanks again, the work done on list on this made this one go really well so I very much appreciate that.

So that takes us then and I'll just go ahead and cover area 8 like we previously had it structured under other GAC recommendations and then we'll take each one of what was 4 before, or 3 now I guess, and deal with those even though the recommendation has been made by (Steve) and (Liz) that they be moved, so we'll just jump around a little bit but covering them as was in the agenda originally if that's okay.

So the first one then is GAC number 1 and I think we've covered that via notes. Any comments on the notes at the beginning of the table that anybody has? Is anybody not okay with what's been done at the notes, preceding the table?

(Steve Delbianco): This is (Steve). I'm just not clear how, are we talking about GAC question number 1 or bullet number 1?

(Chuck): Bullet number 1, sorry. Yeah, it's bullet number 1, my mistake. I wasn't clear, and I think part of that is the way I wrote the agenda but yeah, we're talking about bullet number 1.

(Steve Delbianco): Okay. I have no problem with it.

(Steve Metalitz): This is (Steve Metalitz). In the actual Wiki and document, we don't call them bullets anymore. We call them datasets and all the other questions are just referred to as questions. Think that'll be clear enough?

(Chuck): Yeah, I think so. Anybody disagree with that? Is that okay? Okay, so we're okay on the notes at the beginning and I think those are really important for the overall product that we're going to produce here so all right.

Then if we go then to GAC 5, GAC question 5 I guess it is, the, and (Eric) had submitted, (Eric Spooner-Williams) had submitted some ideas there and there was a friendly exchange between (Steve Delbianco) and (Eric) in terms of what was done, but ultimately what (Liz) and (Steve) had recommended, and so we should look at GAC 6 as well.

(Eric) also had a submission there and if I'm remembering it correctly, (Steve) and (Liz) that GAC 5 and 6 be combined and put under area 7 which is "who is" data accuracy? (Steve) or (Liz), one of you want to talk to that?

(Liz): (Steve), I'll let you go ahead.

(Steve Delbianco): Well (Chuck) you summarized it correctly. I give plenty of admiration to (Eric) because he was able to tease-out actual hypotheses from the GAC questions but he really structures hypotheses about the availability and adequacy of data to answer the GAC questions.

What (Liz) and I did was try to say that what's important are the potential policy implications for ICANN regarding "who is" and so 5 and 6, it struck me that questions 5 and 6 from the GAC are both about the inaccuracy of "who is" data with respect to whether it's a commercial purpose or not.

And so we proposed, given that that's an inaccuracy question, that we go under area 7 and we combine GACs 5 and 6 into one statement, two sentences, here it is.

A significant percentage of registrants who operate domains with commercial purposes are providing inaccurate "who is" data that implies they are natural persons without commercial purposes. Furthermore, the percentage of registrants with inaccuracies will vary significantly depending on the nation or continent of registration.

(Chuck): Thanks, (Steve). Any discussion on that?

(Steve Metalitz): Well, this is (Steve Metalitz). Just looking at the GAC questions, they're quite different from that because they're really seem to be just asking, they're not asking an accuracy question, are they?

They're asking a factual question about whether registrants are natural persons or legal persons in number 5 and whether registrants are commercial or non-commercial in number 6.

That's, I think the hypothesis that (Steve) has just gone through is worth looking at but I'm not sure that is what the GAC asks for.

(Chuck): I'm looking at 5 and 6 right now myself.

(Steve Metalitz): And (Steve), keep in mind that number 5 the way the GAC phrased it, it's nearly impossible to come up with a hypothesis from that. (Eric) took one approach which is a data-centric hypothesis, I took one that was a policy-centric hypothesis and if we don't like either of them, then we might say that we're not going to have any hypothesis for number 5.

Because number 5 simply was a question that the GAC posed with regard to the datasets that they collect and their question was as you say, what is the percentage of the main name registrant who are natural persons versus legal, and then they go on to ask the split between those that are for commercial purposes versus not.

And you're right, I definitely inferred the policy level question about accuracy here. I also noted in writing back to (Eric) that once we've tried to infer a hypothesis from the GAC, I think we all agreed we're going to circulate this back to the GAC and the hope is that they would either confirm or correct us on whether we've inferred our hypothesis correctly for them. It's doubtful that they'll reply though, so we want to make this up (at the shop).

(Chuck): So what we have then is a significant percentage of registrants operate domains of commercial purposes are providing inaccurate "who is" data that implies they are natural persons without commercial purposes.

Furthermore, the percentage of registrants with inaccuracies will vary significantly depending upon nation or continent of registration. Now I think the latter part of that in my opinion seems to have a good chance of covering what they're getting at in terms of the geographic region information.

I understand where (Steve Metalitz) was coming from in terms of the implication that's in the first sentence of the proposed hypothesis, but where do we want to go with this?

(Steve Delbianco): This is (Steve Delbianco). Just let me add one thing. Consider everything in context. Question 4 which precedes these two is all about inaccurate registration and so that is why I inferred that number 4 is all about accuracy and I just flowed that right into 5 and 6.

(Chuck): Are there other discussion on this?

(Steve Metalitz): This is (Steve Metalitz). One small think is that I think in the second sentence we should say the percentage of registrants with such inaccuracies because there obviously could be other inaccuracies that we're not looking at under this hypothesis.

(Steve Delbianco): Good point.

(Steve Metalitz): Second, again, this kind of melds, because it melds the two together, I think it's probably significant to the GAC in some way whether the registrant is a natural person or a legal entity and the commercial/non-commercial distinction might be separate.

This kind of melds them together so for example, someone who claims to be a legal entity operating non-commercially wouldn't be caught here I guess, but I'm not sure. I mean I think it is efficient to put these two together.

I'm just pointing-out that it may not again get all the information that the GAC was looking for.

(Chuck): (Steve), do you have any suggestions (unintelligible)?

(Steve Metalitz): Well, I'm not sure how you would do it without actually just reseparating them, and I'm not sure that we want to do that, but you could say a significant percentage of registrants who operate domains with commercial purposes are providing inaccurate "who is" data that implies they are without commercial purposes.

And then you'd have a separate one that says a significant percentage of registrants who are legal entities are providing inaccurate "who is" data that implies they are natural persons. I'm not sure that it would be more useful or not but that may be what the GAC was looking for.

(Chuck): Reactions to that? That actually breaks it down a little finer.

(Steve Delbianco): This is (Steve Delbianco). I'd have no objections to breaking it back into two. The bigger question is whether we want to infer the

inaccuracy policy implication or not and, let me ask. (Tim)'s on the call, right? Tim Ruiz?

(Chuck): Yes.

(Steve Delbianco): (Tim), when you collect as a registrar and I know you're only speaking for one, but are there fields that you collect even if it's non-"who is" data that specifically indicate in a binary way whether one is natural person or legal, whether they have commercial purpose or not.

(Chuck): (Tim) are you still on? Glen, can you, I don't have meeting view up anymore.

Tim Ruiz: I'm sorry. I was chatting away and I'm on mute, so that was kind of...

Man: We've all been there.

Tim Ruiz: Well you know, it's not that specific. I mean, you know we do to the extent that we want to be sure we understand who the registrant is for other purposes later.

So for example, if someone, they may use an individual's name but they leave the company or business field blank or without a specific entry for that so in that case, we would consider the individual's name as the registrant of that name.

If they fill-in the business or company name field, then we actually make them pick a box that says I understand that by completing this field that that business or company is the registrant of record so that later, there's no confusion about, if the individual contact starts

requesting things or wants to take control of the name, you know that can't be accomplished without somehow showing that they're still representing that company or business.

Well I hope that helps clarify it. It's not that specific that like a tick box that you're a natural person or not, but to some extent that data is there but keep in mind that in some cases someone could register that under their personal name but it's still for commercial use.

(Chuck): In other words, they don't have to tic that box, they could use their personal name and not check that box.

Tim Ruiz: Right, right.

(Chuck): And still be using it for commercial purposes.

Tim Ruiz: Yeah, exactly.

(Chuck): Right, got it.

(Steve Delbianco): That's helpful (Tim) because as you recall from the years of debate, there's often an implication that people who register as a natural person have certain privacy protections that would not be available to a legal person or someone doing business for a commercial purpose.

And that distinction then gets to whether they are entitled to certain shielding or not and if we don't, I'm trying to get to that question to know whether people are, I think the GAC is trying to get to the question of whether people will intentionally misrepresent that they are a natural person when in fact they are either a business or they have a

commercial purpose which changes the degree of shielding they'd be entitled to.

(Chuck): Now my inclination on this and I'm not going to make the decision, okay, it's going to be a group decision but my inclination on this is to break the hypothesis down as (Steve Metalitz) suggested. I don't think we lose anything by doing that and it provides a little more granularity and clarity. That's my own opinion but what do others think?

(Steve Delbianco): (Chuck), this is (Steve Delbianco). I'm fine with that and I would assume you would keep this the second sentence on (confidence) and locations with number 6.

(Chuck): Yeah, I would. Now is the suggestion to separate 5 and 6 or to still, I would still think that keeping 5 and 6 together makes sense because of the fact that 5 really is, it's a suggestion to collect some data and is really not, it's really a stretch to come up with a hypothesis specifically for 5. Anybody disagree with that?

(Steve Metalitz): I think, yeah, I'm okay with that. I guess the way I see 5 and 6 is one is talking about the registrant specifically and the other is talking about use. As long as those two concepts are captured in the hypothesis and I think they are...

(Steve Delbianco): This is (Steve Delbianco). The way (Steve Metalitz) had suggested rephrasing I believe makes it granular so that 5 and 6 are separate statements, not together, and that 5 dealt with a natural person/legal person distinction, inaccuracies thereof, and 6 dealt with commercial purposes or personal.

(Chuck): So maybe then it is better to keep them separate as GAC 5 and GAC 6. Is that what you're saying?

(Steve Delbianco): Actually, I thought that's what (Steve Metalitz) was saying, and I'm fine with that. (Steve) are you still with us?

(Steve Metalitz): Yeah. I think that would be fine. I think you could keep that second sentence in both cases although I recognize it's not really in 5 but I think it's fair to say that regional breakdown is probably something that would be of interest.

So, I think number, let me see which is which here. Number 6 could just be what we have, what (Steve) and (Liz) proposed, just take out the words "natural persons" and then number 5 would just be significant percentage of registrants who are natural persons are providing inaccurate "who is" data that implies they are legal entities.

(Chuck): And the second sentence would be the same in both.

(Steve Metalitz): Like I'm saying, the percentage of registrants with such inaccuracies are very significant.

(Liz): So, I didn't catch that.

(Chuck): Okay, so let me see if I can do it and correct me (Steve), either one of the (Steve)s, let me know, so GAC 5 then would be a significant percentage of registrants who operate domains with commercial purposes providing inaccurate "who is" data that implies they are natural persons, period.

(Steve Metalitz): No. I think 5 would be a significant percentage of registrants who are natural person, excuse me, who are legal entities are providing inaccurate "who is" data that implies they are natural persons.

Tim Ruiz: The only thing that I'm thinking here and I don't, this is kind of hard to express, is that it doesn't matter, I mean okay, so for example, from my discussions with various law enforcement officials as well as some of the GAC that even if it is a natural person, if the name is being used for a commercial purpose, you know, should their "who is" data, you know, should there be some option for privacy with that, even though they're a natural person? So I guess that's where I kind of see things getting lost here.

(Steve Delbianco): That's why I combined them, (Tim).

Tim Ruiz: Because, you know, I think both the concepts, there are two different concepts. One's about who the actual registrant is and the other's about the use of domains so we need to get to both of those but I think, I don't know if they necessarily are independent of each other because you know ultimately it's the use I think that in my opinion that the GAC's probably trying to get to.

Just because they're a natural person doesn't mean that you know they have some right to privacy that an entity wouldn't but that the use of that name has some bearing on it.

(Steve Metalitz): (Tim), this is (Steve). I agree with you. I think a natural person who's operating for commercial purposes probably shouldn't be getting the privacy protection of a natural person who's operating for non-

commercial purposes, but I'm not sure everyone in the GAC agrees with that and I think that's why they broke it out.

I mean you know, I think if we, the way (Steve) proposed it, it might well be a useful study to do. I'm just questioning whether people will say well you didn't really communicate what the GAC was trying to do.

Tim Ruiz: And I think you may be right, so that's why I kind of favor providing a little bit more just to cover the bases and try and help the GAC in that regard, but again, I'll go with the wishes of the group on this.

(Chuck): Anybody, so...

Man: I'd be interested if (David Maher) has any input on this because I know he has been quite involved with these questions about whether natural persons would have more protections than the legal persons and so forth so if he has any insights, I would love to hear those.

I don't feel strongly about this (unintelligible). I think if we go with the (Steve) and (Liz) (unintelligible) it's fine but I think they (unintelligible).

(David Maher): This is (David). I also was (unintelligible) for a moment. (Unintelligible) some distinction between natural and legal persons is that if it's very difficult to draw distinctions. You may have a woman at home who has a very small business of selling handmade crafts, something like that, and from most outward appearances is a natural person using the Internet.

On the other hand, I can see that there may be some fraudulent uses of registration in an attempt to appear to be a natural person when in fact it's a strictly commercial enterprise.

I agree with what (Tim) said that there's, as I understand it, there's really no effective way to have a (bride line) distinction between the two. Does that answer your question?

(Chuck): Well (David), what are your thoughts in terms of the suggestions that have been made whether we keep them combined as (Steve) and (Liz) propose or separate them into a GAC 5 and a GAC 6 with some minor variations that (Steve Metalitz) has suggested? Any thoughts on that?

(David Maher): Well, I don't feel strongly about it. I'd go along with (Steve) on that.

(Chuck): Okay. So then, (Liz) what do you have? If we separated them into GAC 5 and 6, let's look at specifically what we would have so that everybody's on the same page in that regard.

(Liz): So I think I just have GAC 5 at the moment and I think it's a significant percentage of registrants who are legal entities are providing inaccurate "who is" data that implies they are a natural person.

(David Maher): In your second sentence, furthermore the percentage of registrants with such inaccuracies vary significantly depending on nation or continent.

(Chuck): You understand that second sentence would be a part of both of them, right, (Liz)?

(Liz): Yeah, okay. Got it.

(Chuck): Got that? Okay, and you got the “with such inaccuracies”? The “with such” was added, okay? All right. So then, (Steve Metalitz), why don’t you again clarify what GAC 6 then would say.

(Steve Metalitz): That would say a significant percentage of registrants who operating domains with commercial purposes are providing inaccurate “who is” data that implies they are without commercial purposes, so it’s really just taking the words “natural persons” out of (Steve) and (Liz)’s draft, and then it would have the same second sentence.

(Liz): (Steve), one more time please? Sorry.

(Steve Metalitz): A significant percentage of registrants who operate domains with commercial purposes are providing inaccurate “who is” data that implies they are without commercial purposes. Furthermore, the percentage of registrants with such inaccuracies will vary significantly depending on the nation or continent of registration.

(Liz): Thank you.

(Chuck): Very few changes in that, from what you and (Steve) proposed, (Liz).

(Steve Metalitz): Right.

(Chuck): So, is anybody opposed to splitting them up into 5 and 6 as just stated?

(David Maher): When you say splitting them up, 6 would be the second sentence?

(Chuck): No, in other words, we've have two rows on the table, a GAC 5 and a GAC 6, and they both would still be under area 7, so instead of the way that (Steve) and (Liz) proposed, that the GAC 5 and 6 be combined into one set of hypotheses there, we would actually separate them and there would be some differences as was just stated.

So, just to make sure we're clear on this, I'm sorry for belaboring this but I want to make sure we're all together. (Liz), now that I think you have captured these, would you reread GAC 5 and GAC 6, please?

(Liz): Okay. A significant percentage of registrants who are legal entities are providing inaccurate "who is" data that implies they are natural persons. Furthermore, the percentage of registrants with such inaccuracies will vary significantly depending upon the nation or continent of registration.

(Chuck): So that's GAC 5. Now GAC 6.

(Liz): A significant percentage of registrants who are operating domains with a commercial purpose are providing inaccurate "who is" data that implies they are a natural person. Furthermore, the percentage of registrants with such inaccuracies will vary significantly depending upon the nation or continent of registration.

(Chuck): Now did I get them mixed up? Did I get them twisted in my mind?

(David Maher): Actually, I think 6 would be, it implies they are acting without commercial purposes.

(Chuck): Right, that's what I thought. Okay. I didn't get them mixed up, okay.

(Liz): Or I didn't capture it right. I'm sorry. It implies that they are acting without commercial purpose.

(Chuck): Yeah. That's 6. And then the second sentence is the same in both. Now (David) did that make sense in terms of what we're looking at as...

(David Maher): I have to confess what I was listening carefully and it sounded as if they were, I couldn't detect a difference.

(Chuck): I understand. There are some differences though, I think. (Liz) is it easy for you to e-mail off the two...

(Liz): Sure, but I think the upshot is that the first one looks at registrants who are legal entities and the extent to which their inaccurate data implies they're natural persons, and the second looks at registrants who are operating with a commercial purpose and the extent to which they're providing inaccurate "who is" information that implies they are acting without commercial purpose.

Those are the key differences. One is the natural versus legal persons, and one is the commercial versus non-commercial purpose.

(Chuck): It is correct, (David), that you have to look very closely at the wording and it will be helpful I think to see it.

(David Maher): Amen.

(Chuck): So is anybody, now understanding that all of us are going to get a chance to look at these and comment after this meeting, is there any objection for right now to just move ahead?

In fact, (Liz) is going to send the wording so that even on this call, if you see you have concerns, please bring it up once you see the actual wording. So, is anybody opposed to moving on from 5 and 6? Okay.

Well thanks for the good discussion on this and of course we will get to the, give the GAC a chance at least to respond. We'll see on that one. Okay. That brings us then to the GAC 3 and again (Eric) has provided a couple of bullets in that regard and the old GAC 3 is there.

And then (Liz) and (Steve) had proposed that that be combined in area 1 so if you'll jump up in the table to area 1, you'll see the last item there now is GAC 3 and I'll let either (Liz) or (Steve) talk about that.

(Steve Metalitz): (Liz), please go ahead.

(Liz): I've got to find it. I'm moving data around. Sorry. Okay, GAC 3. What we're proposing is there are technical measures available that would effectively curtail misuse of data published on "who is" databases while preserving legitimate use and open access to the databases.

And that's just a pretty straightforward change from our technical measures available that could effectively curtail misuse of data published on "who is" databases while preserving legitimate use and open access to the databases.

(Chuck): Any discussion on that? Minor typo there in the table but you can fix that separately and that is it looks like there's a curtail and misuse are run together, at least the way it's showing in the table, so I understand the difficulties of the table, the Wiki.

(Liz): Yes, I'll fix that.

(Chuck): But that's an easy fix. Anybody, any discussion on that? So, there are no objections to that as a proposed GAC hypothesis there? Okay. Let me check real quick. (Liz) did you send around that wording on 5 and 6?

(Liz): I did and it just came through, at least in my e-mail.

(David Maher): Yeah, I think it looks good.

(Steve Metalitz): (Chuck), this is (Steve). The implication of moving 5, 6 and 3 up into the areas is that we can get rid of this other unclassified GAC section at the bottom of the table.

(Chuck): And I think that's nice. If we can, my own opinion is that that's a good thing to do as long as, and they do seem to fit I think in those general areas. Anybody disagree with that? Okay, good. (David) have you...

(Liz): Sorry, can you just clarify where 5 and 6 are going?

(Chuck): Into 7.

(Liz): Thank you.

(Chuck): You and (Steve) had put them there.

(Liz): I know, I know. I got data flying everywhere.

(Chuck): I know. You're in a difficult situation where you trying to capture...

(Liz): Oh, I'm having fun.

(Chuck): Yeah, so anyway, I'm glad you're doing it and not me. So, okay.
(David), were you able, did you receive the two on 5 and 6 that (Liz) sent?

(David Maher): It just came in this second.

(Chuck): Okay, well let's just pause a second, take a look at those, and see if you're okay with those, and then we'll move on on the agenda.

(David Maher): I guess, pardon me, I haven't been listening carefully, but why do we need both of these? It seems to me that they're essentially identical in the kind of study that would be called for. I realize, I see now the difference in wording, but the difference in wording doesn't seem to me to have any substantive difference.

(Chuck): (Steve Metalitz), you want to take a crack at...

(Steve Metalitz): Yeah, I mean the only reason to do it is, I mean is that the GAC had these as two separate questions and the difference is that one looks at status and one looks at use and while those may overlap in many cases, they won't always overlap.

A lot of individuals are engaged in commercial activity and some legal entities are engaged in non-commercial activities, so that's why, the only reason to do it I think is that's how the GAC presented it and we're trying not to make too many value judgments at this stage about whether, you know, which studies are worth pursuing.

(David Maher): Well, okay. It would seem to me though that it would not be irresponsible of us to know the two somehow and say to GAC of course this is what you meant, but I'm not, I do not feel strongly about this.

(Steve Metalitz): Well, I don't feel strongly on the other side. Maybe the way to do it is to do it this way and put in a note that says we think these two could usefully be combined.

(David Maher): Yeah, that's fine. That's fine.

(Chuck): Does the group want to add a note 5 to that extent or maybe a note with this particular set of hypotheses? Maybe with this area. What's the thinking? Sounds like we're okay with leaving it the way it is. The question now is, do we want to add a note?

(David Maher): Well, I think a note would be useful because if, I just feel some responsibility to say wait a minute. This is, I see the distinction. I think in a way it's a distinction without a difference and it just seems to me that it would be helpful for the GAC to say let's combine these two somehow.

(Chuck): What if we were to just add a parenthetical at the end of each of these and just say something to the effect that it could be useful to combine this with study (unintelligible).

(David Maher): Fine, fine.

(Steve Metalitz): Could be combined.

(Chuck): We need to say could be combined with 6 and could be combined with 5 at the end of each of them in parentheses.

(David Maher): Sure.

(Steve Metalitz): Sound good.

(Chuck): (Liz), you got that?

(Liz): Yes I do. Thanks.

(Chuck): Okay. So we're okay on that then, thanks (David) for taking a look at that and for all the discussion on this one. Now, our next agenda item is to develop an action plan with a timeline for sending the hypotheses to those who propose the studies who are not on this call, so we don't need to send any to (Steve Delbianco) or to (Steve Metalitz) I assume.

And does anybody else on our group here that proposed studies?
Okay, so with the exception of any proposed by (Steve Delbianco) or (Steve Metalitz), we would need to send, and I guess one question is, do we send the full set of hypotheses?

That may be overkill in my opinion, so we probably should send the hypotheses that are related to the studies proposed by the individual that proposed them.

(Liz): Yeah, I'll peel them off so that each person, (Claudio) will get his and etc., etc.

(Chuck): Okay. And how much time do you think (Liz) is needed to get those out?

(Liz): Twenty-four hours.

(Chuck): So if that could happen in 24 hours and we're going to give them what, a week turnaround time at least, right, seven days? And so in fact we may be able to give them just a little bit more than that, depending on when we schedule our next meeting.

It seems to me, let me jump ahead to agenda item 7 because it kind of relates to what our timeline, and that is my thinking was maybe we skip the meeting next week and go to Tuesday the 26th.

That would give a minimum of seven days for the proposers of the studies to respond and then for (Liz) to summarize any comments and then we would consider those comments and work on our final report on the 26th, get that to the council, and then would be able to present it before the council meeting, the next council meeting. What are your thoughts on that? Does that make sense?

(Liz): Just so, so you're saying out on the 13th which is tomorrow, back on the 20th, summarized between the 20th and the 26th.

(Chuck): Right, in fact, if they could be summarized with a day or two lead time so that we, so that the people on the group can kind of review them before our meeting on the 26th, that will make...

(Liz): Right, so summarized by say, you know, the morning of the 25th. So you know, noon Pacific the 26th, or 25th, rather.

(Chuck): Does that work?

(Liz): I think we should talk about the GAC.

(Chuck): Well, we can talk about it. I'm not sure there's anything we can do. Sorry for the echo.

(Eric): (Chuck), this is (Eric) joining the call. I'm probably causing an echo so I'm going to mute.

(Chuck): Okay, thanks, (Eric). Thanks for joining us. Yeah, that took care of the echo. Thanks a lot (Eric) and we'll give you a chance even with echo to jump in but, so what we're looking at right now and I'd like to get everyone's reaction on this is that (Liz) would send out the hypotheses related to the specific studies that individuals not in this group proposed, and ask them to provide any comments that they have not later than seven days later which would be the 20th.

And then she would incorporate any comments received and send the information to this list not later than noon Pacific on the 25th and then in our next meeting would be the 26th of August, same time, and the goal of that, the main agenda items in that meeting would be to review

the comments received from the proposed studies and decide whether we want to make any adjustments to the hypotheses and then finalize the report to the council.

(Steve Metalitz): This is (Steve Metalitz). You know, when we send these out to these people who made these proposals six months ago and haven't heard anything since then probably, and I'm not talking about the GAC here.

I think one of two things is going to happen. Either they're going to be out and they're not able to really respond in a week or they're going to look at it and say why did you change my hypotheses?

My hypothesis was fine as it is, so I think we need to explain a little bit to them in a cover letter from (Liz) that first of all, we're trying to make sure everything is in the same hypothesis format and not all proposals had that, and second, that we're trying to focus on factual issues as directed by the council.

(Chuck): Very good, and I totally agree with you that we need to help them understand what the objective is here and I...

(Liz): Yeah, I was kind of planning to do that, but I think your wording is really good and I'm happy to incorporate it, yes, I mean we do need a little background on what's happened since they last heard from us.

(Chuck): You may want to even refer them to the motion that the, and this may not need to be in the main body, but give them a link or something to the motion that the council passed.

I think a third part and it's kind of similar to the two that you mentioned (Steve), at least one of them, but is that the goal was to make the hypotheses brief and very clear, so they understand that that's kind of a third objective as to what we were trying to do, but you're absolutely right that we need to set the, give them the background as to what we're doing.

(Liz): I mean we could say define them clearly enough so that they could be tested a researcher, an independent researcher.

(Chuck): Right. And...

(Steve Delbianco): And I think we also need to say we're not making any value judgments, this group is not supposed to make any recommendations or value judgments on any of these.

(Liz): Yeah, that's an excellent point.

(Chuck): Good point.

(Liz): Yeah, that these were intended to be completely objective representations.

(Chuck): Now, I'm comfortable with (Liz) drafting this, including the suggestions that we just talked about at the beginning and going ahead and sending them out so that we get them out as soon as possible. Does anybody want to have a quick look at the message that's going out and provide a quick turnaround to (Liz) before she does that?

(Liz): I'm happy to do that if you all like.

(Chuck): If anybody wants that, we'll do it. Otherwise, we'll just authorize (Liz) to go ahead and do it with the input we've given her.

(Liz): I think they'll be glad to hear from us.

(Steve Delbianco): They may or may not remember that they submitted hypotheses.

(Liz): Yeah, it'll be a pleasant surprise to some.

(Chuck): Yeah, now should be also add a comment maybe at the end of your message that says if for some reason you're unable to respond to this in the time allowed, we would still appreciate your feedback, but you need to understand that we have already been granted two extensions by the council and we had a deadline that we needed to meet, so feel free to provide your input but we can't guarantee how that will be incorporated but we'd still like to receive it.

That's not worded very well but (Liz) I'm sure can doctor it.

(Liz): Yeah, no, I'll capture that thought.

(Chuck): Okay. Now so I then, I'll do a quick meeting recap for those who weren't on the call. We, all of us should review the things we did today and (slide) any comments on the list. If you can do that, (Liz) is there a chance, well let's see. Everybody's pretty clear except maybe (Eric) who jumped in late of where we're at on what we did today.

Because (Liz) is going to send the hypotheses out, it'd be very good if you have any additional thoughts on the work we did today in what was

area 8 and is now going to be combined in areas 1 and 7 and also GAC 4 from area 7 that we did today.

You need to get that to (Liz) in the next two or three hours so that what she sends out tomorrow to the study proposers has any additional edits that we have.

(Liz): And to facilitate that, I'll turn around right now and update the Wiki and send the document out because I know it's pretty hard to do that without seeing it, so.

(Chuck): Very good. So (Liz) is going to do that now and so then looks like we've got our action items. Now let me give (Eric) a chance to come in with his echo and see if he has any questions or thoughts.

(Eric): Just send me the URL please and I'll review.

(Chuck): Okay, great, okay. So (Liz) will be doing that and we're not going to have time for any significant changes so, unless something's really significant, I discourage little changes because it's very important that we get this out to the study proposers, keeping in mind that we can make final adjustments after we get any comments back from the study proposers as well, so if we'll kind of use that as a way to handle any final things we have unless it's really significant. Let's do it that way to keep the clock (unintelligible).

(Eric): Understood.

(Chuck): Okay. Anybody have anything else in this call?

(Liz): Just one thing I wanted to say to (Steve Delbianco) which is (Steve) I'm happy to work with you too in the next week although not in the next day on the pearls and I think that's really important to do as well and figuring out a way to display it in a concise way too, so we can set-up a time to do that or share documents back and forth, but I'm definitely going to try to work with (Steve) to put that together.

(Chuck): Is that okay, (Steve)?

(Steve Delbianco): Yes. I went ahead and did four or five of them that I was going to potentially propose to the group, but I'm very sensitive to what (Tim) said last week which is that if we make decisions on stuff to pull from the underlying submissions and stick it into the table, it needs some high bar here.

It needs to clarify and expand so that the council can make a better decision, and I have several examples...

(Liz): So maybe then it makes sense to put it on the list or on the Wiki and let everybody comment, but I just want, I guess my consciousness without having looked at them all recently in detail is that there was some very good thinking there and also there was some thought around the analysis, in terms of the difficulty and what kind of data.

(Chuck): My suggestion, I liked your idea (Liz) actually, so if (Steve) and (Liz) will take the first crack there and (Steve) you can just send what you've done to (Liz) and then if the two of you could by say a week from now, if that's possible, have something to the full list then, then that'll give us a week before the 26th to get a good review of that and even have some discussion on (lift).

(Liz): So (Tim) are you okay with that?

Tim Ruiz: Yeah, I'm fine with that.

(Liz): Okay.

(Steve Metalitz): This is (Steve). I would say that we're not doing anything to color or change the actual hypothesis that we're suggesting. Instead, if you will, think of it as a third column that says notable elements from the original study submission that council should consider and all we're doing is pulling in from the original submission things that are going to be relevant.

The note that (Tim) and I proposed to number 1 up there about proxies is an example.

(Liz): And my question actually is whether, I'm not trying to color anything, but there was also some useful stuff that (Laurie) commented on early on in terms of sort of degree of difficulty or where data would likely come from. I don't, you know, I just wanted to look at it again and make sure that there was nothing that we would miss that would really inform, because you know, anyway.

(Chuck): And that's going to be really useful to the council.

(Liz): I think so. I thought so. But again, I'll try to do it with way enough time so that everyone can look at it and make sure we're not doing, so I guess my one suggestion would be to augment (Steve)'s point in terms

of pulling from the study suggestions themselves to possibly pull from that analysis also, but nothing more.

(Steve Metalitz): All right, (Liz). We can use the draft that I had so far.

(Liz): Okay. Thanks (Steve). So I have another project, thanks, which is good.

(Chuck): Anything else? Well we actually finished one of these early which is nice and so we will meet again in two weeks and I hope everybody will be active on the list so that when we come to that, what could be our final meeting, we'll be able to efficiently wrap things up then and get some stuff onto the council.

Thank you very much and have a good week.

Eric Is Glen on the call? Glen?

Glen DeSaintgery: Yes, I am.

eric Hi, Glen. You want to give me a call?

Glen DeSaintgery: Can I give you a call now?

Eric Sure.

Glen DeSaintgery: Thanks, Eric Bye.

END