

**WHOIS Working Group A "Responsibilities"
Teleconference
TRANSCRIPTION
Wednesday 9 May 2007
15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the WHOIS Working Group A "Responsibilities" teleconference on May 9, 2007, at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

"responsibilities" on Wednesday 9 May 2007 at:

<http://gnso-audio.icann.org/whois-a-20070509.mp3>

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

Attendance:

Steve Metalitz - IPC - wg chair
Philip Sheppard - WHOIS wg chair
Carlos Alvarez - observer
Carole Bird - observer
Pat Cain - observer
Steve DelBianco - CBUC
Bertrand de la Chapelle -observer
Eric Dierker - observer
Chris Gibson - observer
Hope Mehlman - observer
Kari Moeller - observer
Richard Padilla - observer
Adam Scoville - observer

Absent - apologies

Ross Rader - registrar

ICANN Staff:

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

Steve Metalitz (Carlos Alvarez), (Maria Farrell), Patrick Cain, Erick - myself and Glen Desaintgery.

Does anybody else on the line that I've omitted?

Okay. Well, I sent out and it wasn't until earlier today for which I apologize just to kind of the skeleton of an agenda here, basically to recap we ask for people to make submissions.

Last week, we got a couple of submissions that address some are all of the questions about the OPoCs roles and responsibilities.

And so I wanted spend a little time today discussing those. I know there are maybe some additional submissions and this doesn't foreclose that, but at least we could get started looking at the once that we've got now.

I did want to call everyone's attention to what I thought was a useful hosting from (Posh Tohura), who is I guess not on the call, but it was - it helps to put our work in context with the OPoC proposal.

And if you saw his May must document, which I sent you again the link to. You see that, you know, there's a lot of things that are already spelled out in the OPoC proposal...

Coordinator: (Unintelligible) now joined.

Man: ...and then there's some things that are yet to be discussed.

I happened to think that - actually our clear overlaps between Item 11 and Item 12 which in terms of what the responsibilities of Subgroup B because one of the responsibilities of the OPoC maybe to be the gatekeeper to some of the information that it's no - would no longer be publicly available through who is. But I thought that document for the - was a pretty useful tool for orienting us to where our discussion fits in the larger picture.

I did also want to follow up on the - you know, we spent sometime last week, Ross Rader, who I think is not on the call today, raised the point about OPoC and also about the applicability of what we're talking about to the administrative and technical contact and ask that we seek clarification of whether this is within the scope of our subgroup.

I did pass - and then Ross made a posting on this which I think is a little bit different than what he said on the call, but basically the same.

I passed this along to Philip Sheppard, as the chair of the working group. And I understand that he has been in contact with Ross directly and to try to get some clarification on what Ross is asking for.

I'm not sure if to what extent we're just talking about the label for - that what we've been calling the OPoC and whether that person bears a different label such as administrative contact or not.

I don't think it - that would Ross suggesting certain (unintelligible) it certainly doesn't move what we're talking about it. It doesn't make what we're talking about, irrelevant in any way.

So, I think we'll just wait for further clarification on that and move ahead with the assignment that we have.

And if in fact our focus needs to shift a little bit because of Ross' concern, we can circle back and take that into account at that point.

So, I don't know if people have any questions about that or if there are other issues that they would like to bring up on our call today.

Steve DelBianco: Steve Del Bianco, could I ask a question about (polls) diversified document?

Man: Sure.

Steve DelBianco: At 11 and 12 of the areas we would focus on instead of the ones where we discuss responsibility.

Man: Yeah.

Steve DelBianco: And in 11, I'm confused that whether (Paul) is - under 11A, it says, in this case, the registered name holder must accept liability from (harm).

But in which case (strictly) speaking of -- the case where there's a proxy ID or the case where the registrant and the OPoC are the same.

Man: I think he is talking about the case in which there is a proxy ID protect service because what - that text in 11A is taken directly from the registrar accreditation agreement as it stands now, which says, that if you license the domain name registration to somebody else, then you are liable for harm caused by wrongful use of the name, unless you disclose the identity in the licensee.

Man: All right. And in the case of that, is the status quo registrar agreement speaking about a proxy, do we all want to view that as a parallel at OPoC, in the sense that a proxy registrant is effectively what an OPoC would be, and if so, doesn't that infer that liability is conferred on the OPoC?

Man: Yeah. I mean, I think that's one way to look at it - I mean, I know, I want to backup on 11. He says the registered contact and the OPoC maybe the same contact information and maybe contact the information of a proxy ID protect service the same as today.

So, he's not saying necessarily would be that, but then it could be that.

I do think there is a lot of overlap between what we're talking about and the question of proxy services and what are their roles and responsibilities.

Because I think as I said, he's taking in 11A the language directly from the registrar accreditation agreement, but I think there is - that's very general language. And perhaps as...

((Crosstalk))

Coordinator: Adam Scoville joining. Thank you, (Paul).

Man: Thank you.

Perhaps if we're able to get more specific about these roles and responsibilities of the OPoC, we can flush out more how that provision of the registrar accreditation agreement ought to be applied.

But I - what I take away from this, May must document from Item 11 is that...

((Crosstalk))

Man: ...it may well be a lot of overlap between the OPoC and the proxy service, but not necessarily.

Man: Right. And overlap isn't the only - some of it is - if the status quo is the word (mack), if the status quo in the registrar accreditation agreement is that a proxy? Registrant must accept liability, then we are not filing (new work) in assuming that's the OPoC.

Coordinator: Excuse me, Ms. Kari Moeller joining. Thank you.

Man: Yeah. I think - I would agree with that. Or are there other comments on this May must document?

Bertrand de la Chapelle: Hi. This is Bertrand de la Chapelle. Sorry for joining late earlier.

One question on the 0.11, what I understand in the 0.11 is that, it means basically that the OPoCs can be the registrants. But I'm wondering whether the formula at the moment and the general trust of the discussion is not moving away further and further from having the actual registrant name in the WHOIS database, and moving the OPoC and the whole registration in the WHOIS database more and more towards the general mechanism of proxy registration.

Isn't that in Paragraph 11, that sort of shifting of focus, whereby, instead of having WHOIS database about the registrant's information, we now get the OPoCs that maybe the registrant's information, but is more and more likely to become a sort of proxy in general terms?

Man: Yeah. Bertrand, I'd be glad to respond to that. I think you raise a very good point there because in what I read, the registrant contact maybe the contact information of a proxy ID protect service same as today. That is the status quo.

If an increasing number of registrations if you go to WHOIS and you look at who is listed at the registrant, it's domains by proxy or it's ID protect service of some kind.

When that happens, then 11A is applicable that like the - what we would think of is the registrant. The person is actually using the domain name if you will is a licensee of this registered name holder. And that licensee's identity has to be revealed when you buy the registered name holder with reasonable evidence of actionable (harm).

Bertrand de la Chapelle: But this is exactly the point I wanted to raise.

I'm once again coming relatively late in this discussion. I'm seeing the whole debate about the OPoCs moving in the direction of making a sort of default setting that people are using proxy or registration of domain names.

Whereas, from the discussions I've heard in the various meetings in ICANN, I felt that the proxy registration and the privacy protection through proxy was not considered as major improvements, and aren't we pushing in that direction?

Man: Only if we can attach concrete responsibility to this formally known as the proxy, now known as OPoC. We would only push in that direction Bertrand if we could attach with it, responsibility is that matter.

Steve Metalitz: Yeah. I think so. This is Steve Metalitz, again.

We sometimes - we can look at OPoC, it's kind of a universal proxy if you will. Right now, if someone has to opt in to getting a proxy service under OPoC in a sense, everybody would have a proxy service.

However, the OPoC proposal does still contemplate identifying the name of the registrant and the country of the registrant - and I think this is the point that Bertrand is raising, you know, if that's the name of a proxy service and the country of a proxy service, you know, what information really are we getting.

(Steve): Okay. This is (Steve).

May I suggest that the prevalent proxies today could be a function of the fact that they are cheap and it's seen as an easy thing to do, all right? So, but they don't charge a lot to be your to stand in place for you as a registrant and be your proxy. And they don't really charge much because they don't take on significant responsibilities.

If that's the case, we don't want to simply replicate that into the OPoC.

But (polls) diversified document (which is) may not be the case. But in fact, a proxy registrant today under the RAA must accept liability for harm caused by wrongfully used for the names.

If that's the case, then the proxy guys are charging little today in doing little because they're really not doing what they're supposed to be doing.

Bertrand de la Chapelle: Isn't - does that - and this is Bertrand, again. This is a helpful discussion.

Does that mean that the (thrust) of the discussion - and particularly in this Group A, let's just say, OPoC could be considered as a universal proxy service with responsibility and registrant could still have the possibility to, of course, not use this, but put their own data above themselves that would still be protected in terms of privacy rules. But does that mean that somehow the fact that you put your coordinates becomes not the default, but somehow an option?

(Steve): It is today.

Bertrand de la Chapelle: Well, not really. I mean, you are supposed to put your coordinates and if you want to use a proxy service, then you need a proxy service takes your place somehow.

(Steve): And I think that's more prevalent than not today, which is you say, (Steve)?

(Steve): Yes. But isn't one of the reasons for people using this isn't the main reason the fear that some people have rightfully or not, that their privacy data is going to be abused.

If the system allows for your name and a few information to be accessible, but the main privacy data, not to be accessible, would they still have a reason to use proxy service, and should this be encouraged?

Man: Yeah. I think that's a good point that we should make sure to keep in mind here which is should we - what is listed here in number 11 as of May which is that the registrant can be listed as the proxy service, is that an option that should continue in (patfire)?

Man: Yeah.

Man: Okay.

Any other comments or questions on this May must document - or on, you know, that these issues -- the proxy service issues that (Steve) and Bertrand have raised?

((Crosstalk))

(Erick Dierker): Yeah. This is (Erick Dierker).

Man: Okay. Let me have a queue here.

I heard (Erick).

(ErickDierker): Yeah.

Man: I heard Philip. And did somebody else want to get in the queue?

Okay. Let's - (Erick), why don't you go first?

Eric Dierker: Yeah. I just think that it's a - were barking up the wrong tree. If we're going to start assessing liabilities to someone - liability as to content of a Web site, our conduct of Webmaster, if we're going to assign that

liability and say that the OPoC or the proxy is responsible for that, because that just turns that person into an overseer of that data, whether - and I'm not talking about - it doesn't have pornographic data or something that's horribly illegal. It can be simply liable.

It can be slandered, but it can be liable, so it's defamation. And how would they know and how the cost, then would be prohibited? What we've done is, we've created that very nice mechanism, but the common person can't afford it, because just to carry the insurance to handle that is phenomenal.

Adam Scoville: This is Adam Scoville, can I get in the queue?

Man: Yes. I think we have Philip and then Adam.

Man: Thank you, (Steve).

Just a question really on proxies and (my problem is) this is covered, I wasn't on last week at the beginning of this call. Is there an agreement that if proxies are to continue, then whatever rights and responsibilities relating to the OPoC, would also apply to the proxy, and in fact they'll be one and the same, it would nearly be an option for the various (clients) to designate one or the other. But the outcome in fact in terms of the work, this could - will be the same or is a debate on that issue?

Man: Well, let me ask - we've got Adam in the queue. I'd be glad to try to respond to that. But Adam, why don't you...

Man: Why don't you go ahead and respond to that, then I'll come back.

Man: Okay.

Man: I don't think that's been discussed Philip. And I think it raises the question of whether in the OPoC environment, you could have the proxy services, the registrant, and then the proxy service choosing an OPoC, and you'd basically be two steps removed from the - if you will the real registrant -- the first who is using the domain name. And I think I would certainly be concerned about that, but I don't think we've discussed it up to this point.

Man: No. (Sharman), the way - if it was - now I was assuming that yesterday a proxy contact in terms of making contacts to the registrant and that strikes me logically would be the same as the idea of the OPoC is talking about. If indeed you got OPoC (unintelligible) proxy, that starts to make a nonsense of every thing else.

Man: No. I think it certainly is a lot of overlap, whether there would be identity or not as it maybe another question.

Man: Uh-huh. Okay.

Man: Adam?

Adam Scoville: Yeah. I just wanted to respond a little bit to (Erick)'s point about the source of liability, and whether the degree of responsibility is the OPoC is taking on would make it cost prohibitive.

You know, I guess, I would just stated that more accurately it reflects the cost that are involved in this enterprise that this proxy services are

often a - you know, they have the nice benefit for some kind of registrants of the privacy protection.

But they, you know, they externalize a lot of cost to others whose - who it becomes much harder for them to enforce legitimate legal rights, whether that's, you know, a law enforcement or it's a private party. Those costs are there in the kind - in the current system. They are just being externalized.

And I think that to some degree all that this is saying is, you know, "Look, if you're going to make it impossible to find the real person, then, you know, I think it's a really basic principle that the OPoC or the proxy really - if we can't get hold of the real registrant, we ought to be able to get a hold of someone who is functionally and legally equivalent to the registrant." That's a really simple principle.

And, you know, if the - you know, if that's something that would generate enough liability that, you know, a lot of companies would hesitate to step into that - into those shoes, then - yeah, then that suggest that there is - that the system is only viable if you are externalizing cost on to other people.

Man: Agree.

Man: Exactly.

Man: Okay.

Man: If those services are being offered cheaply today because the proxies are not bearing those cost.

Man: Okay. Is there anybody else wanted to be in the queue at this point or shall we turn to the proposals that have been submitted?

(Carlos Alvarez): I'd like to say two things. This is (Carlos Alvarez).

Man: Go ahead, (Carlos).

(Carlos Alvarez): Okay. First of all, I totally agree with the idea of having registrants having the option of including the wrong data to be published to the (unintelligible) service, or having them given the possibility of choosing proxy service.

If it's about protecting their data, they can be free to choose whether or not to protect it. I mean, that decision being something made by themselves.

And the second, besides what just been said about the liability of those (unintelligible), I do believe that according to (unintelligible) proposal on 11A, the proxy would not liable, unless it disclose the identity of their licensee, so (those cases) would be colored, whether the proceeds has not disclose in case, it would be liable or in the case you disclose the identity of their registrar itself, so it would translate. That's why they're related to that sort (of party).

So, I agree. And I do think that process would be held liable in case they don't dispose their identity of their registrants.

Man: Okay.

Man: Okay. Thank you.

Any other - anybody else who want to be in the queue?

Well, if not, let me ask Steve Del Bianco to kind of walk us through this proposal - as you know, I had suggested there are four questions that need to be addressed or could be addressed in our subgroup, and (Steve)'s proposal is very ambitious and address these all four. So, let me ask him to just give us a brief walk through of that, then we'll open the floor to questions and comments.

Man: You know, it might be more productive to take questions and comments on each of the four questions in turn, rather than go all the way through.

Man: That will be fine.

Go ahead.

Man: I'll try to make three points with respect with their qualifications and identifications and verifications.

The implication that you have when you ask the question that way is that, we are going to impose to some obligations on their registrar for us to verify at the point in which the OPoC puts the information in. Is that correct?

Man: Oh, no. I was just listing some of the issues that could be addressed in this proposal. So, it's - I'm not making a sub-position about what would be in there.

Man: Okay. And nor are we making a sub-position about who in the whole world has access to the information because it's access with a separate group or do we assume...

Man: Right. We're assuming that - if the OPoC proposal is implemented, then people - well, the public will have access too with two things. First, the name and the country of the registrar -- name, province and country of the registrant. And second, full contact details on the OPoC.

Man: Right. So there's no debate that full contact details of the OPoC are part of the OPoC proposal.

Man: Yes. I don't think there's any debate about - I mean, when I say full, it's, you know, name, address, email, telephone, and so forth.

Man: Right. So, if they're holding themselves out as being the operational point of contact, the first two items I put in here is that, they have to have the technical capability as a knowledge (so far), and then password protection, et cetera, so that they are able to get in and do it.

So, the first one says that they have to be - have the technical capability or have access with somebody who has the capability. That's on the assumption that the OPoC could well be an attorney, or somebody holding themselves up, this is legal (unintelligible) a proxy. And while themselves are not technically certified to have the password, they have access to somebody who can.

Man: And through skill.

Man: The second one is probably controversial because it said that, they ought to have the capability to take a site down because there may be situations where the actions that's requested is to take a site down because it's generating (denial) service attack, fishing email, spam has the illegal installed music on it, and that those are the case.

The OPoC can't very well turnaround and say, "Well, I'm sorry. I don't have the capability. I'm not allowed to take the site down that's somebody else." And if that were to happen, the OPoC at that point becomes a roadblock to a remedy.

And the final one is also controversial because I suggested that be legal agent and that they acknowledge that they have that role. And I think that (Carlos) has made a fabulous distinction about 11A in suggesting that the proxy, if they incurs that liability, if they fail to identify accurately and immediately the true registrant who have liabilities.

Woman: Uh-huh.

Man: Is that right (Carlos)?

(Carlos Alvarez):Yup. Right.

Man: And so that is a more subtle way to think of it. And I would have - I would be happy to accept that as a revision to my point about liability since it reflects the status quo of the proxy policy already in place in the registrar accreditation agreement.

Eric Dierker: This is (Erick).

I would agree that if you combine those two and take out liability for the registrants illegal activities, you simply assign liability for their inability to take down the site.

I don't see any problem with the - or the proxy being able to swear that he can and have an agreement that he can take down the site if he needs me.

If you put those two together, then I think you solve the legal liability issue.

Man: Then in any case, the OPoC would shed liability if they immediately and then accurately identified the true registrant, so that...

Man: Right.

Man: ...liability could go to where it belongs.

Man: Absolutely.

That's a great idea.

Man: A question (unintelligible) standards for what immediately inaccurately are, but - yeah.

Man: But that's under the WHEN question, right?

Man: Hey, let me ask if there's people who want to comment on the WHO points that have been raised here. The three points that (Steve) just walk through.

Do we have anybody - (and which is) to comment on those?

(Carlos Alvarez): I'd like to ask a question. This is (Carlos).

Man: Okay. (Carlos), go ahead.

(Carlos Alvarez): (Steve), when you talk about the OPoC being able to take sites down, do you mean - does that - I mean, just taking down to site of (structure or deal) from the - the OPoC should have any possibilities of removing a illegal (content) (unintelligible) level?

Man: (Steve), I think that was directed to you.

(Steve): Yup.

Yes. I think - where the remedy calls for a site that is generating fishing emails or spam...

Man: Uh-huh.

(Steve): ...is one thing.

If there happens to be four illegal songs among us, catalog of 50, you don't have to take the site down to remedy the situation.

So, I appreciate your distinction there and that we probably - what I indicated was not that they have to take a site down, but that they have to have the ability to do so.

I'm sensing (Carlos) that what you say is that, they have to take technical capability and permission to remove illegal contents from a site and/or if the situation calls for it to take down a site?

Man: (No). Okay. Thank you...

((Crosstalk))

Man: One other way to handle that...

Woman: ...added to the queue?

Man: Yeah. You know, excuse me, let's have a queue here. Who wanted to be in the queue?

(Carole): (Carole).

Man: Okay, (Carole), and who else?

Adam Scoville: Adam.

Man: Adam. Anybody else?

(Carole), please go ahead.

(Carole): Hi. I don't know if this would be a part of the WHO or the WHEN.

One of the things that comes to mind, we're talking about when they have the ability to take down the site. But quite often from a policing perspective -- sorry, that's the only perspective that I have.

When we're first asking for information we're not necessarily asking for a sites to be taken down. We're where looking to do our preliminary background work to determine whether an effect has occurred or not.

And I'm wondering if somewhere in these proposals, there is an area where we could say that where police or law enforcement it would be up to the group to define the elements of that, request the information that the OPoC is not allowed to tell the registrants that their request has been made.

Because if they do so, sometimes it will impede an investigation where, you know, the investigation to be something as simple as a commercial offense, not that those are not serious, but it could also - the part of an investigation whether crimes against persons or physical offenses.

And so if the OPoC notifies the registrants when the police assume an investigation, I can have quite serious ramification. So, I'm just throwing that out as a thought for discussion.

Man: Okay. Thank you (Carole).

That's a good point that we should discuss further.

Adam, I think you were next.

Adam Scoville: Yeah. That - I kind of want to echo (Carole), that's a really good point that sometimes the - you want to know who is responsible, so you can arrest them or whatever, you don't - the site maybe sort of secondary.

My point was just to sort of add a little footnote on to the question of - do you have to be able to take the site down or the content down or whatever. I mean, I think that to some degree, maybe all you need to do (unintelligible) well, not you all need to be able to do.

But in that - in regard to that aspect, at a minimum, you need to be able to take the site down, and if the registrant wants to give the OPoC a more differentiated power to take particular pieces of content down, then that maybe in the registrant's interest, because then if there's an issue maybe the whole site doesn't come crashing down.

But if in stale of that, the - then maybe what happens is that - and maybe there is a dispute only about, you know, one song on the site, or one graphic, or whatever.

And if the registrant hasn't given the OPoC a more (graduated) sort of degree of control on a practical level and authority on a legal level, then the OPoC has no choice but to take the whole site down and that may solve the problem in those types of situations for the person who is complaining, but, you know, the person who has lost out is the registrant, but it's their own fault, we're not having given a greater degree of precise control to the OPoC.

Man: Okay. I think...

((Crosstalk))

Man: ...is there anybody else want to be in the queue?

(Carlos Alvarez): Yeah. It's again, (Carlos). I'm sorry.

Man: (Carlos), go ahead.

(Carlos Alvarez): I just wanted to sort make a comment or ask (Carole) a question about what she just said, with regards to the confidentiality (unintelligible) should sometimes handle the - how do you call them?

Request (unintelligible) or parties (for them) with regards to an illegal content or illegal activities and (unintelligible) conducted to the Web site.

(Carole), isn't it possible in Canada to obligate OPoCs puts in the criminal process to keep silent to remain confidential - yeah, I mean, it should not have to be something within - I can probably see two (obligated) (unintelligible) to remain - to keep (unintelligible) confidentiality.

I believe at least according the laws of (unintelligible) country, it can be determined by the law enforcement authorities themselves - according to the procedures they have to handle (unintelligible) request someone to have some informational (unintelligible), do you understand that point?

(Carole): I do. And quite frankly, it's going to depend on the circumstances.

So, for example - this is - if you'll grant me a moment just to go into it, a lot of the information - no, I take it back - all of the information currently on the WHOIS that is publicly available at this point in time is what we call pre-warned information.

That is to say that is information that we would gather in an investigation at the beginning to later get a search warrant for things that are not publicly available right now, for example, the billing information and so on.

So with that information, it depends on each country whether they have a law and to what degree that may or may not address it.

However, in many countries and (under this is) Canada is an example because I'm familiar with that law. If we're doing pre-warned information, therefore, there is no court order in place, and again, the things that Subgroup B is dealing with.

Then you can't obligate that you have to rely on the good faith of the person not to disclose that information, unless it falls under a particular part of the privacy legislation if that country has a privacy legislation.

Because a lot of the investigations on the Internet (extends) from one country to another, you may well have areas where there is no law that restricts that, and therefore, you may have an investigation that is impeded or lost as a result of that disclosure occurring.

So, you know, ICANN's rules aren't supposed (unintelligible) any country's laws, however, we have to recognize that not everybody's

system has matured to the same level and there still are an obligation I think to make sure that the OPoC meets a certain standard, but does not, on the other hand, enabled certain activities.

Now, under the criminal code of Canada, and again, I recognized everybody has a different one. If there is a way that we can charge the OPoC, if they make that disclosure, but that's after the fact and the harm has been done.

Again, I only throw it out for discussion, I'm not saying it's a must have, but it's certainly an issue of concern from a law enforcement police perspective. I hope that answers your question (Carlos).

((Crosstalk))

Steve Del Bianco: And (Carole), this is Steve Del Bianco.

And in fact, under the WHAT -- the second to last item under WHAT is where we try to suggest what the responsibilities were communicating something directly to the registrant. So, your points are very applicable to that particular point when we get there.

Man: Okay. Let me ask if there's anybody else that wants to be in queue on WHO.

If not, I'll put myself in the queue just for a couple of comments.

First of all, one thing we might want to spell out here and maybe it's obvious is that, if the registered name holder wants to list himself or herself as the OPoC, he or she may do so.

Now, that person obviously has all the, you know, presumably has all the authorities that we've talked about here. But there maybe some people who want to list themselves as the OPoC.

Second, we need to think about whether there are some standard on the relationship between the registered name holder and the OPoC, for example - and perhaps some of this has dealt with later in your outline, (Steve).

We need to make sure that the (unintelligible) that we're expecting that the OPoC will in some circumstances give up the - or make public the contact information for the registered name holder.

We need to make sure that the OPoC has that information and that it's kept current and - or perhaps is verified, so that maybe an obligation on the OPoC.

And then also, I think again, this may go without saying there needs to be - that the registered name holder shouldn't be allowed to designate anybody as the OPoC - without the OPoCs permission. So those are just a couple of other examples.

And final point I would make is, I think one thing we need to keep in mind here is - and maybe more after we've gone through the whole list of questions is that, we need to be dealing both with what happens when there's a legitimate complaint that's raised, we also need to be thinking about how do we prevent or deal with abuse, you know, abusive request and how that should be handled.

Bertrand de la Chapelle: Now, this is Bertrand. May I get in the queue?

Man: Yes. Go ahead.

And is anybody else want to be in the queue at this point?

Patrick Cain Patrick Cain.

Man: Okay, (Pat).

Bertrand, why don't you go ahead?

Bertrand de la Chapelle: Yeah. Sorry for the naïve question. I'm putting two elements together here. What I heard earlier is that, the full contact detail of the OPoC will be accessible to the public...

Man: Yes.

Bertrand de la Chapelle: ...what happens if an individual registering a domain name wants to be registered on his own behalf doesn't want to use an OPoCs...

Man: Uh-huh.

Bertrand de la Chapelle: ...does that mean that you will be forced to register itself as an OPoC, and then have it's all information revealed - I'm not sure I understand. Sorry again for the naïve question.

But I'm wondering whether we're not addressing two issues here that are different.

One is the privacy protection of individuals and how much of this information is available and how (unintelligible) Subgroup B additional information accessible.

And the second element is the OPoC which is in a certain way a sort of regulation of the present proxy services that seem to be not reliable enough. Am I mistaken or (have I misunderstood)?

Man: Well, if I can respond, I guess, I would say that if the registrant wants to list themselves as an OPoC and effect is kind of opt in situations in which they have decided that they do want to list this contact information on themselves.

Bertrand de la Chapelle: Yes. But - sorry to interrupt. This is exactly the point I'm - that's puzzled about. Define an individual domain name owner? At the moment, I put information in WHOIS database that is public.

Part of the discussion about the evolution of the rule service is precisely how to protect the privacy while at the same time making sure that access to this person is done when it is necessary.

If in the new system, I'm an individual and I don't want to designate a third party as an OPoC, what happens?

Man: You designate - you can designate your - my suggestion is you can designate yourself as the OPoC if you wish.

Bertrand de la Chapelle: Then my whole day (unintelligible) accessible, right?

Man: Yes.

Bertrand de la Chapelle: And so, how - so the only way I can protect my data is to go through a third party OPoC. Is that right?

Man: Yes. I'm not sure I understand what the alternative would be - there will be nothing listed as an OPoC?

Bertrand de la Chapelle: No. But this is my question.

At the moment, the system is, you register yourself and the whole data is accessible. You could very well imagine a system, whereby, you register your name and all the information.

If you're an individual, only the few first lines like name and location in general terms is accessible, and there are additional rules for accessing Subgroup B additional information, does that mean that the system presently would force somebody who is registering as an individual to choose a third party OPoC if this person wants to keep it's own personal data private?

Man: Yeah.

Bertrand de la Chapelle: Okay. Sorry. This is something I didn't understand correctly.

Man: Yeah. I'm not sure - and again - Bertrand, I'm not sure what the alternative would be, either you list yourself, you list somebody else, or you list nothing and nothing is not - it's certainly not an option under the OPoC proposal. So, I'm not sure what the alternative...

((Crosstalk))

Bertrand de la Chapelle: No. It's not the question of listing. It's the question of accessing. I could list my information. If you take the present WHOIS database, the WHOIS database is maintaining this. The domain name has been registered through a given registrar.

The domain - the information is available at the registrars and you can imagine processes that designates - or that go through that registrar and their certain circumstances to have access to this information. Maybe the registrar is the OPoC value default.

But at the moment, there is an alternative that would be having your personal information that is only accessible in the superficial layers, to say so. And the additional information could be accessed for instance, through the registrar which has this information.

Man: Yeah.

Well, I want to get further in the queue. But I think one point you just raise is a very important one which is, what's the default situation? What if the registrant does not list in OPoC, you know, what's - then what is access? What is accessible at that point?

Let me ask (Pat) and I think he was next in the queue.

Patrick Cain I can make a side comment to that question too which is, you know, it's basically to the concept -- the post (unintelligible) responses. And so, it's not going to require us you to put your home address in WHOIS data, it just can't have that contact data.

The point I wanted to bring up though was I think number 1, and who would look really good, I just have (unintelligible) or the techno capability information to take (down with) the registrant site.

I think it doesn't have a lot of meanings or a lot what happens in the (unintelligible) because there's also things like (unintelligible) or now we're being given out our stuff like that, where you don't really to take down the site. You just made me to deal with the person's complaint. I don't exactly know how to say that, but I think it's more than just (unintelligible).

Man: Okay. Thank you.

And I think - I mean, it raised a lot of issues here that - and (Steve), you can take a look at and I would encourage people to use the list to make some (suggested) modifications to this. And that might be - it might well be an area where you think about a better way to say that.

Steve Del Bianco: So, this is Steve Del Bianco.

Is it okay to wrap this up and move into the next one?

Man: Yes. Why don't we go ahead because we're running...

((Crosstalk))

Steve Del Bianco: I want to quickly say that, we don't have a question called - or how much will it cost. But if we did, it would fit in right here. Because Milton Mueller has written both to Steve Metalitz and I hosted a public

challenge to these proposals suggesting that it would cost ten orders of magnitude more than the current.

And what we're suggesting here is that, if you assume that a registrant wants to simply achieve privacy, well then it should be very in expensive to ask someone to stand in and be able to reach me, in the case of - (we only want) privacy.

But I'll make sure that my stand in, my OPoC, my proxy knows how to reach me and he's going to make sure he knows how to reach me, because if he can't reach me, he assumes the liability. That is the status quo of a proxy registrants today.

These statements that somehow are planned to impose liability with the expenses, it assumes that a registrant wants not to get privacy, but rather to shift risk -- risk for illegal activity to the OPoC. And, you know, if that's what they speak to do, it should be expensive.

If they only want privacy, the OPoC will know that they can reach them. And again, they have two choices. They can reach or reveal information when somebody wants to know who's the true registrant for purposes of tracking down illegal activity.

So they may relay or they may simply reveal. And if they relay or reveal accurately and quickly enough, they escape the liability for their confidence and their ability to do that and keep the cost reasonable.

Your market will determine what those cost are. And then frankly, people with a bad driving record pay a lot more for their insurance, than people who have good record.

So, we could move on to the WHAT issue, but otherwise, Steve Metalitz, you and I were both addressed by Milton Mueller about this cost issue and I know, on the queue...

((Crosstalk))

Steve Metalitz: Yeah.

Okay, why don't you - yeah, why don't you go ahead in the WHAT points?

Man: Great.

So, under WHAT, there's two categories of WHAT - what has to be done at time of registration, and then what has to be done when Carole Bird calls up with a request, right? Those are two different points in time.

So, all the time, the OPoC has to provide accurate complete details for their own 24/7 contact info. I think that's a given. No controversy.

Now, in time of registration or when everything changes, I'm saying that the registrar has to validate the completeness and accuracy of the contact information provided.

And I'm very sensitive about trying to impose any new obligations on registrars, so I really love to understand how to do this as easily as we can.

The completeness is easy because the fields the OPoC fills in are either filled in or they're not. There are validations that can be done on the address fields to know whether those are valid addresses. Those are easy and inexpensive.

It's much more difficult to know if somebody is simply lying about their address and they don't really know how to raise that accuracy standard to be sufficient for Carole Bird or the rest of them.

We - what I've indicated here is that, on the third item under two is that, at the time of registration or whatever a changes that the registrar should roll proxy contact to the OPoC.

This is the suggestion that I got from someone else in the business constituency. And I think it's really a transitional item in the case that a proxy contact is being used today. Their proxy contact becomes the OPoC. That's one suggestion there.

Now, we go to on some other what they have to handle and not. And I'm suggesting they should not knowingly allow (bad base) or illegal activity as the domain that they're responsible for.

And I guess knowingly it's a great escape clause for an OPoC, who said, "Look, I didn't know. I wasn't checking to see if (Mel) or I was coming from here or whether they were illegal songs, and music, and movie."

But knowingly doesn't have any teeth in it to be honest, unless we - the law enforcement in corporate community do a good job of telling them that there is illegal activity, and that's when obligations kick in.

So, they have to accept the contact of any nature, whether it's technical, administrative, (IP), law enforcement or legal notices and they have to accept it on behalf of the registered name folder.

I'm not a lawyer. I'm a business guys. So I don't know whether accept is the same thing accepting processing and I need some help from the people on this call.

We said that they have to receive and forward any communication to the registrant, although (Carole) is indicating that would be dangerous in case where they don't want the registrant to know. The law enforcement is querying something about the site, so we'll have to fix that.

Now, the OPoC can have this responsibility of making sure that they relay the message back from the registrant which is a message that responds to whatever illegal activity was (sited).

Or we could go to the current proxy system, where they have to simply reveal instantly and accurately reveal the private information about the registrant.

I sense that will cost a lot of problems with privacy advocates that we have to really understand that and maybe better for the OPoC to relay then reveal. And I'm open to evaluating those alternatives.

And then I finally close by suggesting that they have to - if they informed the fishing or some attack that's generating commercial harm

that they have the responsibility to take the site down immediately upon proper notice.

And if they didn't, they would be incurring contributory liability. And I'll be happy to shut up now and we can do questions.

Man: So, let's open the queue on these points under WHAT.

Any comments?

Adam Scoville: This is Adam. Can I get in the queue?

Man: Adam, go ahead. Anybody else?

Adam, go ahead.

Adam Scoville: Yeah. I guess just to respond to some of that to (Steve)'s question about service of process and provide a little more information there. I think, you know, to some degree, the communication doesn't necessarily look any different from the point of view of what physically or electronically the OPoC is receiving and this may actual sort of back up into the WHO category perhaps, although, you know, I'm not sure we should worry about this sort of semantic difference.

But that's - the purpose of service a process - or basically of any system that sets up a required legal notice to the person who you're bringing legal action again.

Is that - it's an obligation on the part of the person who has to give that notice and that can be satisfied when the - when an either - you can

prove it actually achieved or the person who is the recipient of the notice and I would think in most cases could consent to, you know, saying, "Look, I agree not to challenge, if you notify me in this particular way. Yes, I think it's reliable enough that I agree to, you know, treat that, you know, as if I was in fact actually notified."

Now, by setting up the OPoC, we're setting up a system where the person who is - has the obligation to give that notice can't by definition actually say for certain that it's within their personal knowledge that the registrant actually received that notice.

And so, I think one of the places that this would come in would be that maybe who the OPoC is. The OPoC is someone who the registrant - registered name holder has consented to the validity of service upon them like being equivalent to service on the registered name holder.

Man: Okay.

(Carole): Can you add (Carole) to the queue please?

Christopher Gibson: And add (Chris).

Man: Okay.

Steve Del Bianco: (Steve), this is Steve Del Bianco.

Was that (Erick) who was just speaking about accepting process?

Man: No. Sorry. That was Adam Scoville.

Steve Del Bianco: Adam, could you put in writing and post that as a comment because I didn't capture of it to be able to make (me edit).

Adam Scoville: Okay. I'll see what I can do.

Man: Okay. We have (Carole) and Chris Gibson, who has joined us.

Anybody else in the queue?

Then go ahead, Carole.

(Carole): Yeah. It's a good question as to when somebody has to be notified to something and I'm sure that there's a number of issues from a number of different perspectives on it.

From a police perspective, it could be that we want the OPoCs to notify the person because we think that the person is a victim.

And so I think there has to be - if we're looking at it from a policing perspective, what we would be looking at is that, the OPoC would not notify or past on (documentations) for registrants, unless police indicated that it has no issues with it.

Now that comes with a whole bunch of different (risk) to it and, of course, we're back to the question of, is there a distinction between police and law enforcement in general including private law enforcement.

So that may welcome with some liability issues for the OPoC if they do the notification, so that's one of the things that has to be looked at.

Man: Okay. Thank you.

Chris?

Christopher Gibson: Yeah. I think it's very important that any communication a the OPoC must be viewed as a valid communication to the registrant. It might be helpful to try to categorize notices just in two ways.

Those that pertain to administrative or technical matters on the one hand and those that might be considered legal notices, and anything that tries in that categories of legal notice, where there's any, you know - there I think there has to be specific (rounds) - responsibility for the OPoC to, you know, immediately 24 by 7 be passing this communication through two registrants.

And I think from one of the previous speakers, the harder question is, when are they not simply playing the role of immediately (Pat) transmitting the communication (through) to the holder of the domain name, but when are they being required to actually disclose personal information in details about the domain name registrant.

Man: Okay.

So kind of drawing a distinction between when they're supposed to reveal and when they're supposed to (replay).

Christopher Gibson: Yeah. But I think - yeah, on that relay and on that on that point of - if a legal notice is sent to an OPoC, then it should be considered down (efficient) to trigger all irrelevant time periods and any of type of legal

circumstances or proceedings, all of that must be at the point of contact with the OPoC and not waiting for this additional leeway. And I think that has to be (unintelligible) to the responsibility of the OPoC.

Man: Okay. Let me just put myself on the queue very briefly here just to remind all of us that, of course, since we're not writing a law here and a lot of this (unintelligible) questions of national law.

There's a limit agree to which we can say, for example, you know, this will be valid service or process upon the registered name holder, that's obviously a local law question, whether or not the registered name holder is consented it and may or not be determinative.

And secondly, when we say, they'll be contributorally liable, again, that's a national law question. So, it's not as though ICANN and the contract and necessarily determined that. But I just want to put those (unintelligible) kind of on the table.

We are running very short on time here and I would like (to begin) to win and how Steve Del Bianco just to move us quickly through those. And then I think we've raised questions here and I do hope people will use the list, just to try to refine this and come up with some new thoughts on this.

But (Steve) could you just talk briefly about when, and then I'd also like - I know (Erick) had sent on something on when also.

(Steve): All right.

On WHEN, what I had in here under WHEN was the obligation of relay and I put in for the sake of arguments within 12 hours of receipt and that's relay.

It reveals as of the current proxy responsibility were an option, then reveal should be immediate and immediate might have 1 hour. But relay would presumably be longer.

Secondly, I wrote is that, they would have to take - investigate and take appropriate action and I don't know the two legal standards for that. But without unreasonable delay would mean something in certain course for the words as soon as reasonably possible and I defer to the lawyers on the call to know what's better for that, and that is in response to notice of the legal activity, that's the take down of the removing of files.

And for that, putting in an absolute hour limit, I think we'll be in troublesome because if something takes longer than others. And I'll stop now.

Man: Okay. And I think this where (Erick) had suggested this 10-day approach.

Man: Yeah. We're just generally speaking with illegal notices and legal documentation that is a ten-day approach to actual time to get something done.

The guys on vacation, mails take too long to get there whatever the case maybe. It emails down - I think this were running really short on

the time and I think we're going to have to extend this a little bit. I don't have any trouble with it because it's electronic being 12 hours.

But I think we get into some probably problematic legal aspects expecting some of the response that something within 12 hours or within hours. That was my concern.

Man: Okay.

Well, I just would say, I think Steve seems to be drawing distinction here between what the OPoC has to do which is on a very short timeframe in terms of forwarding and/or revealing. But then, you know, in terms of what the registrant has to do that, obviously, it might take longer.

Man: Right.

Man: The problem is that the, you know, he takes a vacation -- the OPoC takes a vacation. You know, we might have a ten-day delay...

Man: I know.

Man: ...and that - so that's reasonable I think is a very good way to put it.

Christopher Gibson: This is Chris.

I think you need to have a - at the OPoC level, I think your distinction is right (Steve) that the OPoC systems have to be pretty much 24 by 7 for purposes of relay and transmission to a registrant.

I understand that the delays that can occur at the level of the registrant whether they respond and how quickly they do so. But I think the OPoC in that role, it's going to be pretty tough it's a - are giving, you know, more than - as we are saying, it's almost an hour or two to reveal. It should be that the transmission is an automatic function that takes place almost immediately.

((Crosstalk))

Man: Just a point, it's about - the relay function can be use when it's automated to just replace the capacity to contact in the existing with database. So there's at least a layer of automatic transmission of anything that is through email.

Other possibilities of contact are different, but at least this one is an important one to introduce.

((Crosstalk))

Eric Dierker: Yeah. But I - it's (Erick) again, I bring to notice when we started up with the working group, how many people had auto reply mails coming back?

Man: Right.

Eric Dierker: ...you know, that's just a situation, it just a life. Sometimes people are out of the office, sometimes people are unavailable to get a hold of. So, but I think...

((Crosstalk))

Man: I'm not talking about the OPoCs there because you can transfer automatically. One of the main reasons why individual users want to have their address shielded, especially their email address is to avoid being spammed by harvesting.

And so, if you have a redirection that allows to send to the appropriate contact of mails that will be redirected, this is obviously an easy way to contact people if they are in good faith.

Man: You're absolutely correct. That's sounds great. Very logical. I haven't thought about that. They could just have it relayed to the registrant and not even reveal anything.

Steve Del Bianco: Steve Del Bianco, when I said relay, you have to keep in mind that the OPoC will not want to simply relay all spam. So they may have some filtering that they will do upon the relay.

So making it immediate and automatic could actually be an issue. And when it comes to reveal, I doubt that the OPoCs will instantly reveals anyone who asks the personal contact information of the registrant that they are being paid hide...

Man: No, no. Of course...

Steve Del Bianco: ...that there is going to be some validation as the OPoC will want to do...

Man: Yeah.

Steve Del Bianco: ...with the request deserves a response. And that's where we have to say that if you decide not to tell me their identity, that's the reveal. Then you are stepping into the shoes of the registrants you're protecting for purposes of liability.

Man: Yeah.

(Carole): Can you add (Carole) into the queue please?

Man: Yeah. (Carole) and who else - does anybody else want to be in the queue?

Adam: (Unintelligible) Adam, please?

Man: (Carole), (Adam), anybody else?

((Crosstalk))

Man: Who is that?

Bertrand de la Chapelle: Bertrand.

((Crosstalk))

Man: Okay. We're getting a lot of echo there. But go ahead (Carole).

(Carole): Okay. I think I'm seeing some overlap between Work Group A and Work Group B. Work Group B is that, for those of you that aren't (unintelligible) this discussion is talking about, who should have access (unintelligible). Therefore, the reveal if you will part of it.

And I think whatever that group (percepts) their task, whatever they determine will then flow naturally into - okay, once they've determined who gets what, revealed to them, then you'll be in a better position to assess, okay, what are the timing implications of that. But it seems to me, their reveal function falls under Subgroup B, have I misunderstood that?

Man: No. I mean, I think there is some overlap between the assignments here. If the OPoC has a responsibility to reveal, then it's kind of in our (heloic). But I agree there's a lot of overlap there.

Man: Philip, can you clear up any of that?

Man: I'm not sure if Philip is still on the call.

Philip Sheppard: Yes, I am. But I mean, his comment is wise, I mean, there is commonality between or (query) of the subgroups - there's a price there. You just try to (calls) things up to get to things going in terms of existing options.

But I think it's use to identify on this group where we see something - actually sees into another group in this market as such and ID for the subgroup chairman to alert each other of that circumstance that can be factored into that work.

Man: Okay. Let me - I think Adam is next in the queue.

Adam Scoville: I think (Carole) may have been ahead of me.

Man: (Was that Carole)?

Adam Scoville: Okay. A couple of points, one, I think that we want to look at the question of how the medium of the communication ties into the standard for responsiveness, you know, there's always this issue of emailed being automatically affordable.

I'm a little concerned, you know, sort of in theory of the idea that the OPoC might filter for spam, sounds, you know, innocuous. I'm a little concerned with that being a big sort of loop hole for the OPoC being (unintelligible) say, well, you know, I just thought this person who sent these letters, you know, saying that - saying that this registrant had done all these things wrong, you know, we get those kinds of things all the time.

That's pretty much spammed, you know, and seeing - once you invest the OPoC with discretion to filter, I think that, you know, there's certainly - there will be some times that will be really clear that it's one or the other, you know, and advertise them for, you know, Viagra is probably not a legal notice.

And on the other hand, that, you know, a complaint that filed in accord is probably not them. But, you know, at the margin there is some room for that discretion sort of bugging down the effectiveness here.

You know, I think in terms of the distinction between what this subgroup is looking at and what the other subgroup is looking at, I think, my understanding would be and I don't know if this distinction works for anyone else, but that the other subgroup is sort of looking at - okay, just what you might have in terms of different levels of access

on the sheer investigatory side, you know, before you necessarily had to allege specific wrong having happened, you know, say, a member of law enforcement, or an IP who wants to go on and sort of just investigate to own this domain name that, you know, gives a lot of information to determine whether a wrong has been committed at all, and that that group sort of - at that very initial level that was the question of the group had, you know, should there be different levels of access from the start.

And the review of function here seems more to go to the question of, you know, when there has been an actual allegation of legal wrong, and that's really a small subgroup of cases.

You know, if I am, you know, going after a domain name that's been registered by one of our affiliates and I don't have any intention of taking legal action.

But one of sort of see some issues resolved that may never implicate this review of function necessarily, and I certainly - it maybe that I much rather not have to take, you know, to get into formal legal action.

But the review of function kicks in here. I think under the normal OPoC scenario, once you're sending a (substance) communication to the OPoC and to the registrant that may kick in the review of function where the different levels of access, there may not be any communication that (unintelligible) that.

Man: But this may help respond to the issue (Carole)'s has raised couple of times and maybe the inquiry by law enforcement that you don't want passed on to the registrar and there's a Subgroup B issue, and the

inquiry that you do want passed on to the registrar and there's a Subgroup A issue.

I think we had Bertrand on the queue.

Bertrand de la Chapelle: Yeah. Thank you.

Just one quick point, I think it's important that we all have to keep in mind that there are (unintelligible) that are being addressed to this.

One, is that (unintelligible) that is applied to people we just one privacy protection and the benefits of their national privacy protections law, irrespective of what they are doing or irrespective of any wrong doing or good faith, the question means that we're facing now with the rule is, and that is well mentioned in the (unintelligible) documents is that, there are concerns today or they're using compatibility between the (presentation) and the national privacy, but that the first level.

And in that case, what is needed is a way for people who want to access which is contact those people that auto domain name holders the way they do this now.

(Unintelligible) database (unintelligible) purposes and not even legal action, but just because you're interested in the domain name and you want to transact with people, those probably a subset of what ways to go through automatic sending or not automatic sending, but they're probably are ways where you can search the base in line and as an individual send something to a hidden address, that's one point.

The second point is completely different with the whole issue of handling the present proxy services that are basically people wanting (annual immunization to refer) liability, this is completely different, these are two different elements, and I'm afraid that at the moment we're trying to address those of the same size.

And the second point is that, there is a distinction that was made, that is very important, that we maybe paying more attention as the distinction between administrative and technical issue and the legal issues. And I will - there is a lot of organized relationships (unintelligible).

Man: Okay. All right. Let me ask the - (Steve), if you could just very quickly take us through the HOW questions, and then we need to wrap up.

(Steve): It is not HOW, but how would the responsibilities be enforced? (IE) What happens if they are not fulfilled? That's how the HOW was phrased.

((Crosstalk))

Man: Go ahead.

(Steve): But the responsibilities have potentially revealed knowing that that was Work Group Bs idea. And then relay, relay is a two way. I relay the query to the registrant, and then I must relay the registrant's response back to the requestor, as well as (instant) relay.

And then finally, there's responsibility this action because we said earlier that they have to be able to take a site down. And if we don't get an honest satisfactory response within the timeframe, we've setup.

So what if they don't? They don't meet their defined responsibilities to reveal, relay or remedy, (I'm being on the RS) today.

Then what are the - what did they - what has to happen? And I said, there were four things here. So that they should immediately suspend the name records, this is in responsibility on the registrar and we're reluctant to do that. But a registrar would need to suspend the name records with the effective domain.

It potentially suspend the Web host service, because just shutting down a domain isn't sufficient if we have a lot of time to live delay and a site continuous to resolve for 24 hours to 48 hours, even though DNS is no longer live for them.

I said that if you fail to meet your responsibilities, then you have to immediately convey -- this is the reveal. You have to reveal immediately if you've been holding back for some reason on the reveal. The reveal should kick in immediately at that gravity.

Number 3, the registry in this case should be notified to suspend Web site DNS, and again, there we have a 24 hours to 48 hours delay.

And then also, the registry should lock the domains, so we can't simply be transferred, where a bad actor - reopen immediately transfer us the domain and is in back in business.

And I don't know if for how long it should be held. I put a blank in there for how many days until the domain could be resolved.

I added something that somebody suggested is that, the steps that are taken to resolve - the steps that are taken to enforce this, to suspended it should not prejudice the party later on when they're appealing - well, seeking some alternative dispute resolution. And I'll stop.

Man: Okay.

Well, I'm not sure we have time to discuss this now, but I guess, one reaction I have is that, we need to be able distinguish between a situation - sometimes, it won't be clear whether the problem is that, the OPoC level or at the registrant level, I suppose.

And I think a lot of these things are going to be very, you know, they'll be detrimental to the registrants, but it maybe that, it was the OPoC that screwed up. So, we need to kind of figure out how to reflect that in these remedies.

Man: The OPoC is registered, fly for instance.

Man: Yeah. Right.

Okay. Is there anybody that wanted to comment on this HOW points?

(Carlos Alvarez):I just want to say a last comment. This is (Carlos Alvarez).

Man: Go ahead, (Carlos).

(Carlos Alvarez): Although I don't think we have much time there. I just wanted to tell you all that I'm going to be sending a mail later on today, that pointing out some questions that I've been wondering (unintelligible) this call.

For example, we (unintelligible), what is the source of set rules and obligations to them? They're responsible with this, I mean, do they all put - will they have to sign deals with their registers or they have to sign deals (unintelligible) registrants, what's going to happen, even (notebooks), doesn't it full it's obligations or their registrar have (PN)s to terminate a deal with that OPoC, what's going to happen with all of the other registrants, just like (unintelligible) ask this question, I don't think we have much time left. But I think those (relations) we're going to have to think about.

Man: Okay. (Carlos), I think I would encourage you to present those questions to the list the Subgroup A list, and I think those are all good questions that need to be resolved.

Unless there's anybody else on the queue, we've already gone lay over and I would like to wrap this up. Is there anybody else that wanted to speak?

Okay. Well, I want to thank (Steve) for being the sacrificial lamb here in putting this document forward. I think we've got a lot of good questions raised and refinements.

And I would encourage people to use the list to suggest changes or raise questions. I don't know if Steve if you can commit to trying to

circulate a revised version or an updated version, let's say by Monday in preparation for our call next Wednesday, do you think that's doable?

Man: (Steve), I'm sorry. I will be on the West Coast all of next Monday, Tuesday and Wednesday giving some talks...

Man: Okay.

Man: ...so I can talk to you. I'll talk to you offline.

Man: Okay.

We'll do that offline. And I also would encourage people not only to bring questions or comments forward, if people have a different approach that they would like to these questions or one or more of them, please feel free to put that forward.

But I think we've made a lot of progress today. So, I'd like to thank everybody for their participation and we - please do attend to the list, but I think we will also be reconvening again at the same time next week, next Wednesday.

Steve Del Bianco: Steve, this is Del Bianco. I would ask us all if we've achieved four questions as a framework. And I would ask that within that framework take a look at the actions of reveal and relay, and then remedy.

And so we can use a consistent vocabulary and structure to our plan.

Man: All right. Any last comments?

Okay. Well, thank you everybody and thank you for sticking with us on our prolonged call here.

Woman: Thanks, (Steve).

Man: Bye.

Man: Bye.

Man: Thank you.

Man: Thank you all.

Man: Bye.

Man: Bye.

END